

[1]

## **TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

### **CHAPTER 200: POLICE DEPARTMENT**

#### **ARTICLE I. CHIEF OF POLICE**

##### **SECTION 200.010: OFFICE ESTABLISHED**

There is hereby created and established the office of appointed Chief of Police of the City of Normandy, Missouri. (Ord. No. 27 §1, 12-5-77)

##### **SECTION 200.020: APPOINTMENT AND TENURE**

A qualified person shall be appointed Chief of Police of the City of Normandy by the Mayor with the consent and approval of the City Council. The person appointed shall serve for a term of one (1) year or until his/her successor is duly appointed, approved and qualified.  
(Ord. No. 27 §2, 12-5-77)

##### **SECTION 200.030: QUALIFICATIONS**

The person appointed to the office of Chief of Police shall be at least twenty-five (25) years of age; shall be a qualified voter under the laws and Constitution of this State; and shall meet all requirements established under Chapter 590, RSMo., for municipal Police Officers in St. Louis County. The Chief of Police shall have reasonably current command or comparable law enforcement experience in budgeting, personnel administration, general administration and police planning, and further, he/she shall indicate a willingness to maintain his/her professional competence. (Ord. No. 27 §3, 12-5-77)

##### **SECTION 200.040: COMPENSATION**

The Chief of Police shall receive compensation as may be determined from time to time by the City Council and shall be payable bi-weekly. (Ord. No. 27 §5, 12-5-77)

##### **SECTION 200.050: POWERS AND DUTIES**

The Chief of Police, or the second in command of the Police Department in the absence of the Chief, shall have the following powers and duties:

1. He/she shall be the Chief Law Enforcement Official of the City of Normandy and shall be responsible for the supervision and training of the Police Department and its personnel;

2. He/she shall acquaint himself/herself with all ordinances of the City pertaining to the Police Department, health and welfare and public peace, safety and morals and supervise the enforcement of all such ordinances and State and Federal laws;
3. He/she shall supervise the making of arrests, with proper process, for any offense against the laws of the City. He/she shall have the power to order arrests without process in any case in which any offense against City ordinances, or any State or Federal law is committed in his/her presence;
4. Be responsible for the proper storage, maintenance and use of all property assigned to the Police Department;
5. Exercise general supervision over all properties seized and/or confiscated and held for evidence and shall keep adequate inventory and receipts of such. After final disposition of the cause in which the property shall be used as evidence, the property, if it is of a nature that its possession or sale is unlawful, it shall be destroyed in a manner as provided by law. If the property seized or held is proven to be stolen property, and its possession or sale is lawful and the owner is unknown, the Chief of Police shall, on a semi-annual basis, but no sooner than thirty (30) days after the disposition of the case in which the property is used for evidence, sell the property at public auction or cause it to be destroyed. The proceeds of such sale shall be placed in the General Fund of the City. The procedure for the disposition of such confiscated property shall, in any event, comply with the applicable State Statutes;
6. The Chief of Police may, in his/her discretion, discipline, suspend from duty for a period not to exceed five (5) working days and/or recommend dismissal to the City Administrator of any member of the Department for violations of departmental rules and regulations or City ordinances;
7. He/she shall prepare and submit to the City Administrator a budget for the operation of the Police Department for each fiscal year. Said budget shall contain all personnel requirements, operating costs, equipment costs and such other details, as requested by the City Administrator, as is determined to effectively operate the Police Department for the next fiscal year. Said budget shall be subject to the approval and amendment by the City Council.
8. He/she shall investigate and report to the City Administrator any formal complaints received about the Department, its operation or its personnel.
9. He/she shall issue appropriate general or special orders setting forth policies and procedures necessary to supplement and clearly define the proper assignment of all employees within the Police Department. He/she shall determine the assignment and rotation of all employees within the Department.
10. He/she shall report directly to the City Administrator on all matters relating to the operations of the Police Department. He/she shall advise the City Administrator on the implementation of any new program, internal procedure or significant personnel matters.
11. He/she shall attend all sessions of the Municipal Court, all regular meetings of the City Council and such special Council meetings where his/her presence is required by the City Administrator.

12. He/she shall attend all State and regional conferences and programs applicable to his/her office and the business of the City of Normandy, whenever such attendance is approved by the City Administrator. (Ord. No. 27 §7, 12-5-77; Ord. No. 213 §1, 6-12-84)

**ARTICLE II. IN GENERAL****SECTION 200.060: PERSONNEL, COMPENSATION OF MEMBERS, ORGANIZATION AND EQUIPMENT GENERALLY**

The Police Department shall consist of the Chief of Police, and such additional personnel, regular and special, with such ranks and receiving such compensation as may from time to time be authorized by the City Council. The organization of the Department, the duties of the members and the manner of maintenance and use of the equipment and property of the Department shall be as provided in the departmental rules and regulations mentioned in Section 200.070. (CC 1975 §23-1)

**SECTION 200.070: DEPARTMENTAL RULES AND REGULATIONS**

- A. The City Administrator and the Chief of Police shall prepare rules and regulations not inconsistent with State law, this Code or other ordinances for the government of the Police Department and prescribing the duties and conduct of the members thereof. Such rules or regulations shall be approved by resolution of the City Council and placed on file in the office of the City Clerk. A duplicate copy of such approved rules and regulations shall be filed in the office of the Chief of Police and there made available to all members of the Police Department for their perusal.
- B. Any member of the Police Department who shall violate or fail to comply with any such rule or regulation which has been approved by resolution of the City Council and placed on file in the office of the City Clerk, with a duplicate placed on file in the office of the Chief of Police, shall be suspended, dismissed or discharged permanently from duty as a Police Officer. (CC 1975 §23-7)

**ARTICLE III. MUTUAL ASSISTANCE AND COOPERATION  
WITH OTHER POLICE FORCES WITHIN COUNTY****SECTION 200.080: MAJOR CASE SQUAD**

- A. For the purpose of this Section, the "*Major Case Squad*" shall mean any formation, operation, organization or cooperative action between any County Governing Body and/or any Municipal Government and the City of Normandy, the purpose of which is intensive professional investigation of certain individual crimes that may occur in their general geographical area, and which is operated and activated on request of the County Sheriff, County Police Superintendent or the Police Chief of a political subdivision wherein a crime has occurred.
- B. The officers of the City of Normandy Police Department are authorized to participate in and cooperate with any Law Enforcement Officers of jurisdictions in any Major Case Squad operation or formation. The officers designated to act as part of the Major Case Squad operation will be so designated by the Chief of Police and when acting outside of the City of Normandy as a member of the Major Case Squad operation shall be considered to be on active duty the same as if acting within the boundaries of the City of Normandy. (Ord. No. 262 §§1-2, 2-10-87)

**SECTION 200.090: CITY'S CONTRACT WITH COUNTY AND WITH OTHER MUNICIPALITIES**

The City hereby contracts and agrees to cooperate with other Cities, Towns and Villages within the County and with the County, for certain common police services under the terms and conditions as set forth in this Article. (CC 1975 §23-8; Ord. No. 323 §1)

**SECTION 200.100: EFFECTIVE DATES OF CONTRACTS**

The contract mentioned in Section 200.090 for mutual cooperation shall become effective with respect to any other municipality within the County and with respect to the County upon the passage by them, severally, of a like ordinance authorizing such contract by such municipality or County; provided, that before any such contract or agreement with any other municipality or the County shall become effective, the City Council of the City shall first adopt a resolution approving such contract. A certified copy of this Article shall be mailed by the City Clerk to each municipality and to the County upon their adoption, severally, of a like ordinance for mutual cooperation. (CC 1975 §23-9; Ord. No. 323 §2)

*Editor's Note—Certified copies of the ordinances of other contracting parties, and the original resolutions of the city council of this city approving such ordinances, are on file in the office of the city clerk.*

**SECTION 200.110: TERMINATION OF CONTRACTS**

The contract mentioned in Section 200.090, insofar as it is applicable to any particular municipality or to the County may be terminated at any time by either party thereto thirty (30) days after service upon the Clerk of the other contracting municipality or the County Clerk of a certified copy of an ordinance terminating the contract of such municipality or of the County. (CC 1975 §23-10; Ord. No. 323 §3)

**SECTION 200.120: RESPONSE BY CITY POLICE TO CALLS FROM CONTRACTING MUNICIPALITIES OR COUNTY**

- A. The members of the Police Force of this City shall respond to requests for assistance within the boundary limits of any other contracting municipality or of the County pursuant to the direction and approval of the Chief of Police of this City.
- B. It shall be the duty of the members of the Police Force of this City to perform police services in any municipality or in the County that is a party to this contract, when requested by such municipality or County and when authorized to do so by the Chief of Police of this City. (CC 1975 §23-11; Ord. No. 323 §§4–5)

**SECTION 200.130:    RIGHT–PRIVILEGES, DUTIES AND IMMUNITIES OF POLICE  
OFFICERS WHO RESPOND TO CALLS FOR ASSISTANCE TO  
ANOTHER CONTRACTING PARTY**

Each Police Officer performing services in any other municipality or in the County in accordance with the terms of this contract shall have all the powers, rights, privileges, duties and immunities as the members of the Police Force of the municipalities or County requesting assistance but shall remain in the employment and under the direction, supervision and control of the proper officers and authorities of their own respective municipalities or County. (CC 1975 §23-12; Ord. No. 323 §6)

**SECTION 200.140:    CONSIDERATION FOR CONTRACT**

Consideration for the contract provided for in this Article shall be the mutual agreements of the parties thereto, and no compensation shall be paid by any participating municipality or County to any other. (CC 1975 §23-13; Ord. No. 323 §7)

**SECTION 200.150:    RISK ASSUMED FOR PROPERTY DAMAGE OR LOSS–TORT  
LIABILITY OF PERSONNEL**

Equipment and property utilized in the carrying out of the common police services provided by the contract authorized by this Article shall be at the risk of the municipality or County owning the same, and any loss or damage thereto shall be borne by such owner, municipality or County; provided, that nothing herein contained shall be construed to limit the liability of any municipality or the County or of its agents, servants or employees arising out of tortious conduct. (CC 1975 §23-14; Ord. No. 323 §8)

**SECTION 200.160:    APPLICABILITY OF WORKMEN'S COMPENSATION AND OTHER  
INSURANCE COVERAGE TO OFFICERS INJURED OR DYING IN  
LINE  
OF DUTY**

Nothing contained in this Article shall be construed to mean that Police Officers of another municipality or of the County injured, killed or dying from injuries sustained while performing services in the City under the contract authorized by this Article shall be covered under the Workmen's Compensation insurance of this City; nor shall anything herein contained be construed to mean that Police Officers of the City who may be injured or killed or die as a result of injuries while serving in another municipality or in the County, with the approval of the Chief of Police of the City shall not be covered by Workmen's Compensation insurance provided by this City, or to the benefits of coverage under any other insurance carried by the City or any of its departments, where applicable. (CC 1975 §23-15; Ord. No. 323 §9)

**SECTION 200.170:    DUTIES OF CITY CLERK AND CHIEF OF POLICE TO MAINTAIN  
CURRENT LIST OF CONTRACTING PARTIES**

It shall be the duty of the City Clerk to keep the Chief of Police currently informed at all times as to the municipalities and County which are parties to this contract; and it shall be the duty of the Chief of Police to maintain at all times a list of such contracting parties, one (1) copy of which shall be kept posted at the telephone at the duty officer's desk and another copy in the files of the Police Department. (CC 1975 §23-16)



## **CHAPTER 205: ANIMALS AND FOWL**

*Cross References—As to nuisances generally, see ch. 220 of this Code; as to dangerous animals, see §205.100 et seq.; as to injuries to animals, birds, etc, in city parks, see §240.260; as to special permits for construction of kennels, see §405.800.*

### **ARTICLE I. IN GENERAL**

#### **SECTION 205.010: ANIMAL NEGLECT**

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.
- B. All fines and penalties for a first (1st) conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

#### **SECTION 205.020: ANIMAL ABUSE**

- A. A person is guilty of animal abuse when a person:
  - 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo;
  - 2. Purposely or intentionally causes injury or suffering to an animal; or
  - 3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.
- B. For purposes of this Section, "animal" shall be defined as a mammal.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 205.030: DOG LICENSES AND LICENSE TAX**

- A. There is hereby imposed a license tax of one dollar (\$1.00) on each dog kept or housed within the City, and such license tax shall be due and payable each year at the same time that real and personal taxes shall be due and payable.
- B. On payment of such tax, the City Clerk shall issue a metal license tag, duly numbered, which shall be affixed to the collar of the animal for which issued.

- C. Such license tag must be affixed to the collar of the animal for which issued on or before the first (1st) day of each calendar year and shall be valid for such calendar year.  
(CC 1975 §4-2; Ord. No. 114 §§1-3)

#### **SECTION 205.040: RUNNING AT LARGE-PROHIBITED**

The running at large of domestic animals and unlicensed dogs in the City is hereby prohibited. The owners, harborers and custodians of all domestic animals and fowl shall keep them securely tethered, penned or fenced on the property of the owner, harborer or custodian thereof.  
(CC 1975 §4-3; Ord. No. 35 §1; Ord. No. 114 §4; Ord. No. 155 §1, 5-18-82)

#### **SECTION 205.050: RUNNING AT LARGE-IMPOUNDMENT-REDEMPTION OR DISPOSITION OF ANIMALS**

- A. Any domestic animal or unlicensed dog running at large in the City may be impounded, and the reasonable cost of capturing, impounding and keeping such animal shall be charged against the owner, harborer or custodian thereof for redemption of such animal. If not redeemed within a reasonable time, such animal may be disposed of in a proper and humane manner.
- B. Subsection (A) of this Section shall not be applicable as to the redemption of any animal or fowl found to be rabid or otherwise diseased; and any animal or fowl found to be rabid shall be released only to a licensed veterinarian or shall be destroyed by the animal warden in a humane manner.  
(CC 1975 §4-4; Ord. No. 35 §2; Ord. No. 114 §4; Ord. No. 155 §1, 5-18-82)

#### **SECTION 205.060: PROHIBITED KEEPING OF CERTAIN ANIMALS**

It shall be unlawful to keep, maintain, or allow to remain upon any one (1) lot, tract, or piece of ground within the City, any sheep, goats, hogs, cows, horses, fowl, or exotic animals, excluding parrots, parakeets, canaries or any similar small bird kept as a pet and capable of being domestically caged, except where such animals are kept in the conduct of a commercial enterprise or business at locations where such a business is permitted. (CC 1975 §4-5; Ord. No. 155 §1, 5-18-82)

#### **SECTION 205.070: CONFINEMENT OF FEMALE DOGS IN HEAT**

All female dogs shall be kept securely confined in an enclosed place while in heat. (CC 1975 §4-6)

### **ARTICLE II. RABIES CONTROL**

#### **SECTION 205.080: REQUIRED INOCULATION OF DOGS-INOCULATION CERTIFICATES**

- A. Every resident person who owns, controls, manages, possesses or has part interest in any dog kept any time during the year or who permits a dog to come upon, on or in, and to remain in or about his/her home, place of business or other premises in the City shall have such dog inoculated against

rabies, but such inoculation requirement shall not apply to dogs less than four (4) months of age. Such dogs shall be inoculated at least once each year, unless a three (3) year type vaccine, approved

by the County Health Commissioner, is administered, in which case the dogs shall be inoculated at least once every three (3) years.

- B. All inoculations required by Subsection (A) of this Section shall be administered by a licensed veterinarian, who shall give to the owner or keeper of such dog inoculated by him/her his/her signed certificate of inoculation, which briefly describes such dog and specifies, its sex and, if female, whether spayed or unspayed, and which states the type of vaccine used, the period of immunity against rabies thereby provided and the date of inoculation. (CC 1975 §4-8)

#### **SECTION 205.090: QUARANTINE ORDER BY MAYOR**

Whenever rabies become prevalent in the City or within any neighboring community, the Mayor shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog within the limits of the City to either kill or impound such dog, or to have such dog immunized if such dog is not already currently immunized pursuant to this Article. This order shall be published once in the paper officially publishing the business of the City; and in the absence of such paper, shall be posted as in case of sales of personal property. The Mayor is hereby authorized, by proclamation, to terminate any such quarantine whenever, in his/her judgment, the necessity for its no longer exists. (CC 1975 §4-9)

### **ARTICLE III. DANGEROUS ANIMALS**

#### **SECTION 205.100: DANGEROUS ANIMALS—KEEPING PROHIBITED**

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Normandy, Missouri, any pit bull dog, except that pit bull dogs registered with the City of Normandy, Missouri, on the date of passage and adoption of this Article (March 10, 1998) may be kept within the City of Normandy, Missouri, subject to the standards and requirements set forth in Section 205.110 of this Article. "*Pit bull dog*" is defined to mean:

1. Staffordshire bull terrier breed of dog;
2. American pit bull terrier breed of dog;
3. American staffordshire terrier breed of dog;
4. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
5. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of those breeds. (Ord. No. 418 §1, 3-10-98)

**SECTION 205.110: KEEPING OF REGISTERED PIT BULLS**

The provisions of Section 205.100 of this Article are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Normandy, Missouri, as of the passage and adoption of this Article. The keeping of such dogs, however, shall be subject to the following standards:

1. *Lease and muzzle.* No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. No person shall permit a pit bull dog to be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. *Confinement.* All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subparagraph (1) of this Section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City of Normandy, Missouri. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. *Confinement indoors.* No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no pit bull dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. *Signs.* All owners, keepers or harborers of registered pit bull dogs within the City of Normandy, Missouri, shall within ten (10) days of the effective date of this Article display in a prominent place on their premises a sign easily readable by the public using the words, "Beware of Bad Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
5. *Insurance.* All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this Article provide proof to the City Clerk of the City of Normandy, Missouri, of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such pit bull dog. Such insurance policy shall provide that no cancellation of the insurance policy will be made unless ten (10) days written notice is first given to the City Clerk of the City of Normandy, Missouri.
6. *Identification.* All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this Article provide to the City Clerk of the City of Normandy, Missouri, two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

7. *Reporting requirements.* All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of any incident described herein, report the following information in writing to the City Clerk of the City of Normandy, Missouri, as required hereinafter:
  - a. The removal from the City of Normandy, Missouri, of a registered pit bull dog;
  - b. The death of a registered pit bull dog;
  - c. The birth of offspring of a registered pit bull dog;
  - d. The new address of a registered pit bull dog owner should the owner move within the corporate City limits of the City of Normandy, Missouri;
  - e. Any injury caused by or dog bite made by a registered pit bull dog to a person or to any animal; and/or
  - f. Any property damage caused by a registered pit bull dog.
8. *Sale or transfer of ownership prohibited.* No person shall sell, barter, transfer ownership or in any other way dispose of a pit bull dog registered with the City of Normandy, Missouri, to any person within the City of Normandy, Missouri, unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such pit bull dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog to persons who do not reside within the City of Normandy, Missouri.
9. *Animals born of registered dogs.* All offsprings born of pit bull dogs registered with the City of Normandy, Missouri, must be removed from the City of Normandy, Missouri, within six (6) weeks of the birth of such animal.
10. *Irrebuttable presumptions.* There shall be an irrebuttable presumption that any dog registered with the City of Normandy, Missouri, as a pit bull dog or any of those breeds prohibited by Section 205.100 of this Article is in fact a dog subject to the requirements of Section 205.110. (Ord. No. 418 §2, 3-10-98)

#### **SECTION 205.120: FAILURE TO COMPLY—PENALTY**

- A. *Failure To Comply.* It shall be unlawful for the owner, keeper or harborer of a pit bull dog within the City of Normandy, Missouri, to fail to comply with the requirements and conditions set forth in this Article. Any dog found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Normandy, Missouri.
- B. *Penalty.* Any person violating or permitting the violation of provisions of this Article shall upon conviction be subject to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). (Ord. No. 418 §3, 3-10-98)

**ARTICLE IV. MISCELLANEOUS PROVISIONS****SECTION 205.130: BULLBAITING AND COCKFIGHTING**

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any dog, bull, bear, cock or other creature, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him/her or under his/her control to be so kept or used, shall, on conviction thereof, be guilty of a misdemeanor.

## **CHAPTER 210: FIRE PREVENTION**

*Cross References—As to buildings generally, see ch. 500 of this Code; as to fire lanes, see §355.110; as to false alarms and reports, see §215.200; as to fires in city parks generally, see §240.290; as to property maintenance code, see ch. 505.*

### **ARTICLE I. GENERAL PROVISIONS**

#### **SECTION 210.010: REGULATIONS GOVERNING FIREWORKS**

- A. For the purposes of this Section, the term "*fireworks*" shall have the following meanings ascribed to it:

*COMMON FIREWORKS:* Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes aerial devices containing no more than two (2) grains (130 mg) of explosive composition or ground devices containing no more than fifty (50) mg of explosive composition, all of which are classified as class C explosives by regulation of the United States Department of Transportation.

*SPECIAL FIREWORKS:* Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two (2) grains (130 mg) of explosive composition intended for public display. These devices are classified as class B explosives by regulation of the United States Department of Transportation.

- B. It shall be unlawful for any person knowingly to fire, explode, discharge or otherwise set off any article of fireworks within the City, except pursuant to a permit issued by the City Council.
- C. The City Council, upon petition, may grant permits to responsible persons who are experienced in the handling and use of fireworks, authorizing them to set off fireworks for exhibition purposes at fairs, celebrations and ceremonies at which the public attending shall be kept at a safe distance from the place where the fireworks are set off and all necessary precautions are observed for the safety of persons and property.
- D. Any person desiring to provide a fireworks display, with or without admission charge, shall make written application so to do to the City Council at a regular meeting at least fifteen (15) days prior to the date of such display. Each such application shall contain, among other things:
1. The name of the organization sponsoring the display;
  2. The place or premises where such display is to be held;
  3. The day on which the display is to take place;
  4. The hours between which it is proposed to discharge fireworks;
  5. The names and addresses of the persons actually conducting such display and discharging such fireworks, together with a statement as to the experience of such persons in handling and discharging fireworks;

and the display and discharge of such fireworks, if the permit applied for is granted, shall be under the direct supervision of such persons and none other, and shall be at the place, on the date and between the hours specified in such application and none other.

- E. In addition to the requirements of Subsection (D) of this Section, every application for permission to conduct a fireworks display shall be accompanied by a permit fee in the sum of fifty dollars (\$50.00) and by a surety bond in the amount of ten thousand dollars (\$10,000.00) running to the City for the benefit of any member of the general public who may suffer personal or property damage by reason of defective fireworks or negligent or inexperienced handling or discharge thereof.
- F. The sale of fireworks within the City is hereby prohibited. (CC 1975 §11-2; Ord. No. 34 §§1-4)

#### **SECTION 210.020: SMOKING LIMITED IN CERTAIN AREAS**

A. *Legislative Intent.*

1. The City Council hereby finds that the effects of smoke generated by the smoking of cigarettes, cigars, pipes, and similar articles poses a danger to the health, safety, and wellbeing of persons who do not smoke.
2. The City Council further finds that the Surgeon General's 1984 and 1986 reports on smoking hazards links high levels of involuntary smoke exposure to reduced breathing ability in passive smokers and other health dangers, and therefore further buttresses the need to provide protection to non-smokers in public settings.
3. The City Council further finds that the smoking of tobacco is a positive danger to health and a cause of material annoyance, inconvenience, and discomfort to those who are present in confined places.
4. Therefore, the purpose of this Section is to place reasonable limitations on smoking within certain areas in the City while striking a reasonable balance between the needs of all individuals. It is hoped that someday the entire City will be smoke free.

- B. *Certain Definitions.* The following words when used in this Section shall have these prescribed meanings:

**BAR:** An area which is primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

**ENCLOSED:** Closed in by a roof and four (4) walls with appropriate openings for ingress and egress and is not intended to mean areas commonly described as public lobbies.

**INDOOR SERVICE LINE:** A check-out line, a cash register, or a line where a cashier consummates transactions. Businesses containing such a line would include, but not be limited to, such retail or public establishments as restaurants, grocery stores, supermarkets, department stores, clothing stores, shoe stores, banks and the like.

*PERSON:* Any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association, or other business organization of any kind.

*PUBLIC AREA:* All areas in which the public is permitted. A place is not a public area and is not open to the public if access is available only to members and their guests.

*SMOKING:* The combustion of any cigarette, cigar, tobacco, or any similar article or any other combustible substance in any manner or in any form.

C. *Limitations On Smoking.*

1. All smoking is prohibited in public areas of health care facilities, including waiting rooms, public hallways, and lobbies.
2. Smoking is prohibited in City building facilities in all public areas. In addition, smoking is prohibited in other places of public assembly in which City business is conducted, including hearing rooms, conference rooms and meeting rooms which require or provide direct participation or observation by the general public.
3. Smoking is prohibited in every publicly or privately owned building or enclosed facility which is open to the public for the primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event, or any other performance or event in all areas except either in that area commonly known as the lobby or in areas not open to the public. Every theater owner and/or manager shall post signs conspicuously in the lobby stating that smoking is prohibited within the theater and auditorium.
4. Smoking is prohibited in all public areas of all retail or other public establishments which have one or more indoor service lines (except as provided in Subsection C(5), applicable to eating establishments) provided however, this prohibition shall not be applicable to:
  - a. A retail establishment, the primary purpose of which is to sell tobacco and tobacco products.
  - b. A retail establishment, the primary purpose of which is to operate a bowling alley.
  - c. Businesses that sell beer, wine, or liquor by the drink and not more than sixty percent (60%) of their gross income is derived from the sale of prepared meals or food consumed on the premises.
  - d. That portion of such an establishment as described in Subsection C(4) that serves food or drink as in Subsection C(5). This portion of the establishment shall be governed by the rules of Subsection C(5) and its Subsections.
5. Smoking is prohibited in every publicly or privately owned restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, sandwich shop, soda fountain, or other eating establishment serving food (including restaurant/bars which derive over sixty percent (60%) of their gross income from the sale of prepared meals and/or food consumed on the premises and those listed food service operations that are a part of a store or business that is not a food service business) that is open to the public, whose occupied seating capacity is more than fifty (50) customers excluding from the calculation of capacity any portion of such facility which is located outdoors and any portion of such facility which is utilized for bar purposes.

- a. This prohibition shall not apply to any such establishment maintaining within the establishment a contiguous area in which smoking is prohibited of not less than one-fourth ( $\frac{1}{4}$ ) of the seating capacity in which customers are being served, excluding from said

calculations any portion of such facility which is located outdoors and any portion of such facility which is utilized for bar purposes and, in addition, a waiting area where smoking is prohibited.

- b. At the request of a patron, the patron shall be seated in a non-smoking area if a seat is available.
  - c. This prohibition shall not apply to any rooms which are being used for eating establishment purposes for private functions, but only while any such room is used for such private functions.
6. Smoking is prohibited in public areas of gymnasiums, libraries, or facilities enclosing indoor swimming pools.
  7. Smoking is prohibited in educational institutions in all areas open to the public, except individual administration offices and areas specifically designated for smoking by employees of said institution.
  8. Notwithstanding the provisions of Subsections (4) and (5), any owner or person in charge of a business establishment governed by either of the said Subsections may designate the facility as a non-smoking area in its entirety.
  9. Notwithstanding the provisions in Subsection (1) and Subsections (3) through (7), smoking is not prohibited in any area of any establishment where bingo is being played while it is being played or where a private person is holding a dance that is open to the public. However, it is hoped that those operating bingo games and holding dances will provide non-smoking areas for participants when requested and when possible. This Subsection does not apply to the City's building facilities.
- D. *Voluntary Limitation Of Smoking In The Office Workplace.* Consistent with the intended health benefits of this Section, the City Council hereby urges that all employers in the City, on a voluntary basis, hereby establish appropriate non-smoking areas for the benefit of their employees.
- E. *Posting Of Signs.* Whenever smoking is prohibited by this Section, a conspicuous sign shall be posted so stating at any and all public entrances into said location, containing all capital lettering not less than one-half inch in height on a contrasting background designating "NO SMOKING" or by the international "NO SMOKING" symbol at least one and one-half (1½) inches in height consisting of a burning cigarette enclosed in a red circle with a bar across it with each sign further stating "IN COMPLIANCE WITH CITY ORDINANCES" in all capital lettering not less than one-quarter (¼) of an inch in height. Said sign shall be placed by the owner, operator, manager, or other person having control of the building or other place of business. In instances where smoking may be permitted in some areas within the location, the sign may contain the following addition, "EXCEPT IN DESIGNATED AREAS." Said lettering shall be not less than one-half (½) inch in height on a contrasting background and shall be incorporated into the sign if desired.
- F. *Penalties For Violation.* Any person who violates any of the provisions of this Section is guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars (\$200.00).

- G. *Smoking Unlawful—Enforcement.* It shall be unlawful for any person to smoke in an area where smoking is prohibited. It shall also be unlawful for any employee, agent, manager, or owner of a

"person," as defined in Subsection (B), to not notify any person smoking in an area where smoking is prohibited that this Section makes smoking in that area unlawful.

## ARTICLE II. OPEN BURNING

### SECTION 210.030: GENERALLY

This Article shall control open flames, fire and burning on all premises.

### SECTION 210.040: OPEN FLAME OR LIGHT

- A. *General.* A person shall not take or utilize an open flame or light in any structure, vessel, boat or any other place where highly flammable, combustible or explosive material is utilized or stored. All lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.
- B. *Heating And Lighting Apparatus.* Heating and lighting apparatus and equipment which is capable of igniting flammable materials of the types stored or handled shall not be utilized in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory utilized for the manufacture, repair or renovation of mattresses or bedding; nor in the work area of any establishment utilized for the upholstering of furniture.
- C. *Candles.* A person shall not utilize or allow to be utilized, any open flame, burning candle or candles in connection with any public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without first obtaining approval. Candles shall not be permitted in areas where occupants stand, or in an aisle or exit.

### SECTION 210.050: OPEN BURNING

- A. *General.* a person shall not cause or allow open burning unless approved in accordance with this Article.
- B. *Definitions.* As used in this Article the following terms shall have these prescribed meanings:

**BONFIRE:** An outdoor fire utilized for ceremonial purposes.

**OPEN BURNING:** The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**RECREATIONAL FIRE:** An outdoor fire utilized to cook food for human consumption.

- C. *Allowable Burning*. Open burning shall be allowed without prior notification to the code official for recreational fires, highway safety flares, smudge pots and similar occupational needs.

- D. *Permit Required.* Open burning shall be allowed after obtaining a permit or other proper authorization from the code official for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, providing heat for outworkers, and a bonfire.
1. *Application.* Applications for open burning shall be submitted in writing at least ten (10) days before the fire is set and shall be in such form and contain such information as required by the code official. Such applications shall contain, as a minimum, information regarding: the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, the location of the burning site, and the on-site fire-extinguishing equipment to be provided.
  2. *Authorization.* Open burning shall be permitted with prior notification to the code official and upon receipt of written permission from the jurisdictional Environmental Protection Agency (EPA) authority, provided that any conditions specified in the permission are followed for:
    - a. Disposal of hazardous or toxic material where the EPA determines that there is no practical alternative method of disposal.
    - b. Instruction in methods of fire fighting or for research in control of fires, in emergency or other extraordinary circumstances for any purpose determined to be necessary by the EPA.
    - c. Disposal of landscape waste except residential and agricultural waste.
    - d. Recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production.
- Where the jurisdictional EPA written permission is not applicable, the code official shall give written permission provided that approved fire safety requirements and emission standards will be met.
3. *Open burning prohibited.* The code official shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The code official shall order the extinguishment, by the permit holder or the fire department, of any open burning which creates or adds to a hazardous or objectionable situation.
- E. *Location.* The location for any open burning shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of any structure. Fires in approved containers shall be permitted, provided that such fires are not less than fifteen (15) feet from any structure.
- F. *Materials.* Open burning shall not be utilized for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.
- G. *Attendance.* Any open burning shall be constantly attended until the fire is extinguished. At least one (1) portable fire extinguisher with a minimum 4-A rating, two (2) portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

- H. *Bonfire Size And Duration.* A bonfire shall not be more than five (5) feet by five (5) feet by five (5) feet in dimension and shall not burn longer than three (3) hours. The maximum size and duration

of a bonfire shall not be increased by the code official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

1. *Material.* Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.
2. *Permit.* All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

#### **SECTION 210.060: TORCHES FOR REMOVING PAINT**

- A. *General.* Any person utilizing a torch or other flame-producing device for removing paint from any structure shall provide at least one (1) portable fire extinguisher with a minimum 4-A rating, two (2) portable fire extinguishers with a minimum 2-A rating each, or a water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device is utilized.
- B. *Permit.* A permit shall be secured from the code official prior to the utilization of a torch or flame-producing device to remove paint from any structure.

#### **SECTION 210.070: ASPHALT (TAR) KETTLES**

- A. *General.* Any asphalt (tar) kettle, beneath which is maintained any open fire, heated coals or ashes, shall not be transported or permitted to be transported over any highway, road or street.

*Exception:* Asphalt (tar) kettles utilized for street repair work shall be permitted to be transported in an open-fire condition provided that the asphalt (tar) kettle unit is towed or moved at a speed not exceeding twenty (20) miles per hour and a safety vehicle, with flashing, rotating or oscillating warning lights, follows the asphalt (tar) kettle when the open-fired asphalt (tar) kettle is being transported or moved.

- B. *Restrictions.* Asphalt (tar) kettles shall not be utilized inside or on the roof of any structure. Fired asphalt (tar) kettles shall not be left unattended.
- C. *Fire Protection.* There shall be at least one (1) portable fire extinguisher with a minimum 20-B:C rating within thirty (30) feet of each asphalt (tar) kettle during the period such kettle is being utilized, and one (1) additional portable fire extinguisher with a minimum 20-B:C rating on the roof being covered. Every kettle shall be equipped with a tight-fitting cover. A kettle, when in operation, shall be placed a safe distance away from any structure or combustible material.
- D. *Cylinder Protection.* where liquefied petroleum gas (LPG) cylinders or containers are utilized for fueling asphalt (tar) kettles, the LPG cylinder shall be protected against tampering and vandalism.
  1. When possible, all LPG cylinders and containers shall be placed in a secured area for protection against tampering.

2. LPG cylinders or containers which cannot be secured in a protected area shall have the dome covers locked and secured or, if the container does not have a dome cover, the valve handle

shall be removed or secured in the "Off" position to prevent unauthorized opening of the LPG cylinders.

3. The storage of LPG cylinders on roof tops shall be prohibited.

## **CHAPTER 215: OFFENSES**

*Cross References—As to nuisances generally, see ch. 220 of this Code; as to offenses concerning pornography, see §215.750 et seq.*

### **ARTICLE I. OFFENSES AGAINST THE PERSON**

#### **SECTION 215.010: ASSAULT**

A person commits the offense of assault if such person:

1. Attempts to cause or recklessly causes physical injury to another person; or
2. With criminal negligence, causes physical injury to another person by means of a deadly weapon; or
3. Purposely places another person in apprehension of immediate physical injury; or
4. Recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
5. Knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative. (Ord. No. 287 §§1–2, 7-12-88)

#### **SECTION 215.020: DOMESTIC ABUSE**

- A. A person commits the offense of domestic abuse if he/she engages in any of the following acts, or attempts or threatens to engage in such acts against a person who is protected under the terms of this Section:

**ASSAULT:** Which for purposes of this Section only, shall be defined as purposely or knowingly placing or attempting to place another in fear of physical harm.

**BATTERY:** Which, for purposes of this Section only, shall be defined as purposely or knowingly causing physical harm to another with or without a deadly weapon.

**COERCION:** Which, for purposes of this Section only, shall be defined as compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

**HARASSMENT:** Which, for purposes of this Section only, shall be defined as engaging in a purposeful or knowing course of conduct involving more than one (1) incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the person. Such conduct might include but is not limited to:

1. Following another about in a public place or places;

2. Peering in the window or lingering outside the residence of another;

Provided however, that nothing in this provision shall be construed as including constitutionally protected activity.

*SEXUAL ASSAULT:* Which, for purposes of this Section only, shall be defined as causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress.

*UNLAWFUL IMPRISONMENT:* Which, for purposes of this Section only, shall be defined as holding, confining, detaining or abducting another person against that person's will.

*VIOLATION OF FULL ORDER OF PROTECTION:* Violation of an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.

- B. Person protected under this Section are: Family or household members, including spouses, former spouses, persons related by blood or marriage, adults who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have resided together at any time.
- C. It shall be unlawful for any person to commit an act of domestic abuse as defined in this Section. (Ord. No. 301 §1, 12-12-89)

#### **SECTION 215.030: TAMPERING WITH A JUDICIAL OFFICER, PENALTY**

- A. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, he:
  1. Threatens or causes harm to such judicial officer or members of such judicial officer's family;
  2. Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
  3. Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
  4. Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to Section 215.080 of this Chapter.
- B. A judicial officer for purposes of this Section shall be a Judge, Arbitrator, Special Master, Juvenile Court Commissioner, State Probation or Parole Officer, or Referee.
- C. A judicial officer's family for purposes of this Section shall be:
  1. His/her spouse; or
  2. His/her or his/her spouse's ancestor or descendant by blood or adoption; or

3. His/her stepchild, while the marriage creating that relationship exists.

*Note—Under certain circumstances this offense can be a felony.*

#### **SECTION 215.040: INTERFERENCE WITH CUSTODY—PENALTY**

A person commits the offense of interference with custody if, knowing that he/she has no legal right to do so, he/she takes or entices from legal custody any person entrusted by order of a court to the custody of another person or institution.

*Note—Under certain circumstances this offense can be a felony.*

#### **SECTION 215.050: ELDER ABUSE IN THE THIRD DEGREE—PENALTY**

A person commits the offense of elder abuse if he/she:

1. Knowingly causes or attempts to cause physical contact with any person sixty (60) years of age or older or an eligible adult as defined in Section 660.250, RSMo., knowing the other person will regard the contact as harmful or provocative; or
2. Purposely engages in conduct involving more than one incident that causes grave emotional distress to a person sixty (60) years of age or older or an eligible adult, as defined in Section 660.250, RSMo. The course of conduct shall be such as would cause a reasonable person age sixty (60) years of age or older or an eligible adult, as defined in Section 660.250, RSMo., to suffer substantial emotional distress; or
3. Purposely or knowingly places a person sixty (60) years of age or older or an eligible adult, as defined in Section 660.250, RSMo., in apprehension of immediate physical injury; or
4. Intentionally fails to provide care, goods or services to a person sixty (60) years of age or older or an eligible adult, as defined in Section 660.250, RSMo. The cause of the conduct shall be such as would cause a reasonable person age sixty (60) or older or an eligible adult, as defined in Section 660.250, RSMo., to suffer physical or emotional distress; or
5. Knowingly acts or knowingly fails to act in a manner which results in a grave risk to the life, body or health of a person sixty (60) years of age or older or an eligible adult, as defined in Section 660.250, RSMo.

#### **SECTION 215.060: INVASION OF PRIVACY**

A person commits the offense of invasion of privacy if he/she knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where he/she would have a reasonable expectation of privacy.

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.070: LAW ENFORCEMENT OFFICERS VIEWING OR PHOTOGRAPHING DURING INVESTIGATIONS OR IN PRISONS FOR SECURITY NOT AN INVASION OF PRIVACY**

The provisions of Section 215.060 above, shall not apply to:

1. Viewing, photographing or filming by Law Enforcement Officers during a lawful criminal investigation;
2. Viewing, photographing or filming by Law Enforcement Officers or by personnel of the Department of Corrections or of a local jail or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the Department of Corrections or the local jail or correctional facility.

**SECTION 215.080: STALKING—DEFINITIONS**

- A. As used in this Section, the following terms shall have the meanings set out herein:

*COURSE OF CONDUCT:* A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests.

*CREDIBLE THREAT:* A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his/her safety. The threat must be against the life of, or a threat to cause physical injury to, a person.

*HARASSES:* To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

- B. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the offense of stalking.
- C. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the offense of aggravated stalking.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he/she has probable cause to believe has violated the provisions of this Section.

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.090: ASSAULT OF A LAW ENFORCEMENT OFFICER**

A person commits the offense of assault of a Law Enforcement Officer if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement Officer;

2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;
3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;
4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

**SECTION 215.100: HARASSMENT**

A person commits the offense of harassment if for the purpose of frightening or disturbing another person, he/she:

1. Communicates in writing or by telephone a threat to commit any felony;
2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;
3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

**SECTION 215.110: FALSE IMPRISONMENT**

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.120: ENDANGERING THE WELFARE OF A CHILD**

A. A person commits the offense of endangering the welfare of a child if:

1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of

Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or

4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

*Note—Under certain circumstances this offense can be a felony under state law.*

## **ARTICLE II. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE**

### **SECTION 215.130: CONCEALING AN OFFENSE**

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

*Note—Under certain circumstances this offense can be a felony under state law.*

### **SECTION 215.140: HINDERING PROSECUTION**

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting an offense he/she:

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

*Note—Under certain circumstances this offense can be a felony under state law.*



**SECTION 215.150: REFUSAL TO IDENTIFY AS A WITNESS**

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

**SECTION 215.160: DISTURBING A JUDICIAL PROCEEDING**

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

**SECTION 215.170: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM**

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
1. Threatens or causes harm to any person or property;
  2. Uses force, threats or deception;
  3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
  4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
1. Making any report of such victimization to any Peace Officer, or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
  2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
  3. Arresting or causing or seeking the arrest of any person in connection with such victimization.
- Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.180: IMPROPER COMMUNICATION**

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

**SECTION 215.190: FALSE IMPERSONATION**

A person commits the offense of false impersonation if he/she:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
  - a. Performs an act in that pretended capacity; or
  - b. Causes another to act in reliance upon his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
  - a. Performs an act in that pretended capacity; or
  - b. Causes another to act in reliance upon such representation.

**SECTION 215.200: FALSE REPORTS**

A. A person commits the offense of making a false report if he/she knowingly:

1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime or offense;
2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.

B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.

C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

**SECTION 215.210: RESISTING OR INTERFERING WITH ARREST**

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
  2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.
- C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.220: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY**

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.230: PERJURY**

- A. A person commits the offense of perjury if, with the purpose to deceive, he/she knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer oaths.
- B. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding.
- C. Knowledge of the materiality of the statement is not an element of this offense, and it is no defense that:
1. The defendant mistakenly believed the fact to be immaterial; or
  2. The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.

- D. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement in the course of the official proceeding in which it was made provided he/she did so before

the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, including but not limited to statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding.

- E. The defendant shall have the burden of injecting the issue of retraction under Subsection (D) of this Section.

*Note—Under certain circumstances this offense can be a felony.*

#### **SECTION 215.240: FALSE AFFIDAVIT**

- A. A person commits the offense of making a false affidavit if, with purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.
- B. The provisions of Subsections (B) and (C) of Section 215.230 shall apply to prosecutions under Subsection (A) of this Section.
- C. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:
1. The falsity of the statement was exposed; or
  2. Any person took substantial action in reliance on the statement.
- D. The defendant shall have the burden of injecting the issue of retraction under Subsection (C) of this Section.

#### **SECTION 215.250: FALSE DECLARATIONS**

- A. A person commits the offense of making a false declaration if, with the purpose to mislead a public servant in the performance of his/her duty, he/she:
1. Submits any written false statement, which he/she does not believe to be true
    - a. In an application for any pecuniary benefit or other consideration; or
    - b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or
  2. Submits or invites reliance on
    - a. Any writing which he/she knows to be forged, altered or otherwise lacking in authenticity; or
    - b. Any sample, specimen, map, boundary mark, or other object which he/she knows to be false.

- B. The falsity of the statement or the item under Subsection (A) of this Section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of Subsections (B) and (C) of Section 215.240 shall apply to prosecutions under Subsection (A) of this Section.
- C. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:
  - 1. The falsity of the statement or item was exposed; or
  - 2. The public servant took substantial action in reliance on the statement or item.
- D. The defendant shall have the burden of injecting the issue of retraction under Subsection (C) of this Section.

**SECTION 215.260: TAMPERING WITH A PUBLIC RECORD**

A person commits the offense of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record:

- 1. He/she knowingly makes a false entry in or falsely alters any public record; or
- 2. Knowing he/she lacks authority to do so, he/she destroys, suppresses or conceals any public record.

**SECTION 215.270: SIMULATING LEGAL PROCESS—NON-CONSENSUAL COMMON LAW LIEN UNLAWFUL, WHEN**

- A. A person commits the offense of simulating legal process if, with purpose to mislead the recipient and cause him/her to take action in reliance thereon, he/she delivers or causes to be delivered:
  - 1. A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this State; or
  - 2. Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.
- B. This Section shall not apply to a subpoena properly issued by a notary public.
- C. No person shall file a non-consensual common law lien as defined in Section 428.105, RSMo.
- D. Subsection (C) of this Section shall not apply to a filing officer as defined in Section 428.105, RSMo., that is acting in the scope of employment.

**SECTION 215.280: INTERFERENCE WITH LEGAL PROCESS**

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "*Process*" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

**SECTION 215.290: ESCAPE FROM COMMITMENT**

A person commits the offense of escape from commitment if he/she has been committed to a state mental hospital under the provisions of Sections 202.700 to 202.770 or of Sections 552.010 to 552.080, RSMo., and he/she escapes from commitment.

**SECTION 215.300: ESCAPE OR ATTEMPTED ESCAPE FROM CONFINEMENT**

A person commits the offense of escape or attempted escape from confinement if, while being held in confinement after arrest for any crime, while serving a sentence after conviction for any crime, or while at an institutional treatment center operated by the department of corrections as a condition of probation or parole, he/she escapes or attempts to escape from confinement.

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.310: TAMPERING WITH A JUDICIAL PROCEEDING**

A person commits the offense of tampering with a judicial proceeding if, with purpose to influence the official action of a judge, juror, special master, referee or arbitrator in a judicial proceeding, he/she:

1. Threatens or causes harm to any person or property; or
2. Engages in conduct reasonably calculated to harass or alarm such official or juror; or
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such official or juror.

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.320: MISCONDUCT IN ADMINISTRATION OF JUSTICE**

A public servant, in his/her public capacity or under color of his/her office or employment, commits the offense of misconduct in administration of justice if:

1. He/she is charged with the custody of any person accused or convicted of any offense or municipal ordinance violation and he/she coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him;

2. He/she knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;
3. He/she is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a Statute or ordinance at any place other than at the place provided by law for holding court by such judge;
4. He/she is a Law Enforcement Officer and violates the provisions of Section 544.170, RSMo., by knowingly
  - a. Refusing to release any person in custody who is entitled to such release; or
  - b. Refusing to permit a person in custody to see and consult with counsel or other persons; or
  - c. Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or
  - d. Preferring against any person in custody a false charge for the purpose of avoiding the provisions of that section;
5. He/she orders or suggests to an employee that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis, except when such employee is assigned exclusively to traffic control and has no other responsibilities or duties.

### **ARTICLE III. OFFENSES CONCERNING PUBLIC PEACE**

#### **SECTION 215.330: DISORDERLY CONDUCT—GENERALLY**

- A. Any person who shall do or engage in any of the following shall be guilty of the offense of disorderly conduct:
  1. Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his/her life, limb or health.
  2. Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
  3. Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.
  4. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
  5. Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
  6. Any person who shall assemble in bodies or in crowds and engage in unlawful activities.

7. Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.
  8. Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
  9. Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.
  10. Any person who utters, in a public place or any place open to the public, any obscene words or epithets.
  11. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
  12. Any person who shall use fight provoking words directed towards any person who becomes outraged and thus creates turmoil.
  13. Any person who shall assemble or congregate with another or others and do bodily harm to another.
  14. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
  15. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a Peace Officer or other person having authority.
  16. Any person who damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- B. Any person convicted of disorderly conduct, as defined in this Section, shall be punished as provided in Section 100.220. (CC 1975 §19-6)

#### **SECTION 215.340: DISORDERLY CONDUCT—ON SCHOOL PREMISES**

It shall be unlawful and shall constitute disorderly conduct for any person to create a disturbance or use loud or profane or obscene language or to loiter in any public, parochial or private school building or on the premises of any such school, or to refuse promptly to leave such school building and premises upon the request of the principal, superintendent or any officer or employee of the school. (CC 1975 §19-7)

#### **SECTION 215.350: UNLAWFUL ASSEMBLY**

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State, City or of the United States with force or violence.

**SECTION 215.360: RIOTING**

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State, City or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

**SECTION 215.370: REFUSAL TO DISPERSE**

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

**SECTION 215.380: PEACE DISTURBANCE**

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
  - a. Loud noise;
  - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
  - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
  - d. Fighting; or
  - e. Creating a noxious and offensive odor.
2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
  - a. Vehicular or pedestrian traffic; or
  - b. The free ingress or egress to or from a public or private place.

**SECTION 215.390: PRIVATE PEACE DISTURBANCE**

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or
2. Fighting.



**SECTION 215.400: PEACE DISTURBANCE DEFINITIONS**

For the purposes of Sections 215.380 and 215.390 the following words shall have the meanings set out herein:

*PRIVATE PROPERTY:* Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

*PROPERTY OF ANOTHER:* Any property in which the actor does not have a possessory interest.

*PUBLIC PLACE:* Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

**SECTION 215.410: UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISE  
BY  
OR THROUGH LOUDSPEAKERS, RADIOS, MUSICAL DEVICES,  
ETC.**

- A. Other than pursuant to a permit issued as provided in Subsection (B) of this Section, it shall be unlawful for any person to cause, suffer or maintain any unreasonably loud, disturbing or unnecessary noise by or through the playing of any radio, phonograph, loudspeaker, sound amplifier, musical instrument or other device in such manner or with such volume as to unreasonably annoy or disturb the peace, quiet, comfort or repose of persons located outside the structure, vehicle or premises where the noise is generated; provided, further, that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed unreasonably loud, disturbing and unnecessary.
- B. *Outdoor Events—Permits.* Any person intending to conduct an outdoor event involving the use of any radio, phonograph, loudspeaker, sound amplifier, musical instrument or other device which may be likely to be heard more than one hundred (100) feet from its source may apply to the Building Commissioner for a permit for such purpose. The application shall include information as to the nature of the devices to be employed, the hours during which they are to be used and what steps the applicant will take to minimize any adverse effects on nearby residents. The application shall be filed at least seven (7) days prior to the event for which the permit is sought. The Building Commissioner may consult with the Chief of the Police Department and other City personnel regarding the application. If the Building Commissioner believes the event can be conducted without unreasonable and prolonged adverse impact and that the proposed activity is of a character not inconsistent with the existing primary and customary associated uses of the property for which the permit is sought, the permit shall be issued and notification of the issuance thereof shall be forwarded to the Police Department. The permit may be conditioned on such reasonable conditions as may serve to ameliorate deleterious effects in the area, including limitations on the hours during which such devices may be utilized. (Ord. No. 377 §§1–2, 9-13-94)

**ARTICLE IV. OFFENSES CONCERNING PROPERTY AND THEFT****SECTION 215.420: PROPERTY DAMAGE**

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

**SECTION 215.430: TRESPASSING**

- A. No person shall knowingly enter unlawfully or knowingly remain unlawfully in any building or inhabitable structure or upon real property in the City.
- B. No person shall be guilty of violating this Section by entering or remaining upon real property unless such real property is fenced or otherwise enclosed in a manner designed to exclude intruders, or as to which notice against trespass is given by either actual communication to the defendant or by the posting of one (1) or more signs in a manner reasonably calculated to come to the attention of intruders stating that trespassing therein is not allowed.
- C. For purposes of this Section, a person enters unlawfully or remains unlawfully upon premises if he/she is not licensed or privileged to so enter or remain. (Ord. No. 354 §4, 4-13-93)

**SECTION 215.440: RECEIVING STOLEN PROPERTY**

- A. A person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another, knowing that it has been stolen, or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver that:
  1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
  2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
  3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value. (Ord. No. 354 §5, 4-13-93)

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.450: STEALING**

A person commits the offense of petty larceny if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion, unless:

1. The actor physically takes the property appropriated from the person of the victim, or
2. The property appropriated consists of:

- a. Any motor vehicle, watercraft or aircraft; or

- b. Any will or unrecorded deed affecting real property; or
- c. Any credit card or letter of credit; or
- d. Any firearms; or
- e. A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
- f. Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the State of Missouri; or
- g. Any pleading, notice, judgment or any other record or entry of any court of the State, any other State or of the United States; or
- h. Any book of registration or list of voters required by Chapter 115, RSMo.; or
- i. Any animal of the species of horse, mule, ass, cattle, swine, sheep or goat; or
- j. Live fish raised for commercial sale with a value of seventy-five dollars (\$75.00); or
- k. Any controlled substance as defined by Section 195.010, RSMo. (Ord. No. 354 §6, 4-13-93)

#### **SECTION 215.460: THEFT OF CABLE TELEVISION SERVICE**

- A. A person commits the offense of theft of cable television service if he/she:
  - 1. Knowingly obtains or attempts to obtain cable television service without paying all lawful compensation to the operator of such service, by means of artifice, trick, deception or device; or
  - 2. Knowingly assists another person in obtaining or attempting to obtain cable television service without paying all lawful compensation to the operator of such service; or
  - 3. Knowingly connects to, tampers with or otherwise interferes with any cables, wires or other devices used for the distribution of cable television if the effect of such action is to obtain cable television without paying all lawful compensation to the operator of such service; or
  - 4. Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device, plan or kit designed and intended to obtain cable television service in violation of this Section.
- B. Any cable television operator may bring an action to enjoin and restrain any violation of the provisions of this Section or bring an action for conversion in a court of competent jurisdiction. In addition to any actual damages, an operator may be entitled to punitive damages and reasonable attorney's fees in any case in which the Court finds that the violation was committed willfully and for purpose of commercial advantage. In the event of a defendant's verdict the defendant may be entitled to reasonable attorney's fees.

- C. The existence on the property and in the actual possession of the accused of any connection wire, or conductor, which is connected in such a manner as to permit the use of cable television service

without the same being reported for payment to and specifically authorized by the operator of the cable television service shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that the accused has committed the crime of theft of cable television service.

D. If a cable television company either:

1. Provides unsolicited cable television service; or
2. Fails to change or disconnect cable television service within ten (10) days after receiving written notice to do so by the customer, the customer may deem such service to be a gift without any obligation to the cable television company from ten (10) days after such written notice is received until the service is changed or disconnected.

E. Nothing in this Section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or device commonly known as a "*satellite receiving dish*" for the purpose of receiving and utilizing satellite relayed television signals for his/her own use.

F. As used in this Section, the term "*cable television service*" includes microwave television transmission from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment. (Ord. No. 354 §7, 4-13-93)

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.470: TAMPERING**

A. A person commits the offense of tampering if he/she:

1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another;
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
3. Tampers or makes connection with property of a utility; or
4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
  - a. To prevent the proper measuring of electric, gas, steam or water service; or
  - b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under Subsection (A)(3) of this Section, proof that a meter or any other property of a utility has been tampered with and that the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in Subsection (A)(3), shall be sufficient to support an inference which the trial court may submit to the trier of the fact, from which the trier of fact may conclude that there has been a violation of such

Subsection by the person who used or received the direct benefit of the electric, gas, steam or water service. (Ord. No. 354 §8, 4-13-93)

*Note—Under certain circumstances this offense can be a felony.*

#### **SECTION 215.480: PASSING BAD CHECKS**

- A. A person commits the offense of passing a bad check when:
1. With purpose to defraud, he/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or
  2. He/she makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his/her account and fails to pay the check or sight order within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee.
- B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.
- C. The face amounts of any bad checks passed pursuant to one (1) course of conduct within any ten (10) day period may be aggregated in determining the grade of the offense.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 215.490: FRAUDULENTLY STOPPING PAYMENT ON AN INSTRUMENT**

- A. A person commits the offense of fraudulently stopping payment on an instrument if he/she knowingly, with the purpose to defraud, stops payment on a check or draft given in payment for the receipt of goods or services.
- B. It shall be prima facie evidence of a violation of this Section if a person stops payment on a check or draft and fails to either:
1. Make good the check or draft; or
  2. Return or make and comply with reasonable arrangements to return the property for which the check or draft was given in the same or substantially the same condition as when received, within ten (10) days after notice in writing from the payee that the check or draft has not been paid because of a stop payment order made by the issuer to the drawee.

- C. *"Notice in writing"* means notice deposited as certified or registered mail in the United States mail and addressed to the issuer at his/her address as it appears on the dishonored check or to his/her last known address. (Ord. No. 354 §10, 4-13-93)

**SECTION 215.500: FALSE ADVERTISING—BAIT ADVERTISING**

- A. A person commits the offense of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of property or services, he/she recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.
- B. A person commits the offense of bait advertising if he/she advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
1. At the price he/she offered them; or
  2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
  3. At all. (Ord. No. 354 §11, 4-13-93)

**SECTION 215.510: FRAUDULENT USE OF A CREDIT DEVICE**

A person commits the offense of fraudulent use of a credit device if he/she uses a credit device for the purpose of obtaining services or property, knowing that:

1. The device is stolen, fictitious or forged; or
2. The device has been revoked or canceled; or
3. For any other reason his/her use of the device is unauthorized. (Ord. No. 354 §12, 4-13-93)

*Note—Under certain circumstances this offense can be a felony.*

**SECTION 215.520: TELEPHONE SERVICE FRAUD**

- A. A person commits the offense of telephone service fraud if the person by deceit obtains or attempts to obtain telephone service without paying the lawful charge, except that it shall not be unlawful for a person to purchase, rent or use telephones or telephone receiving equipment acquired from a lawful source other than the telephone utility certified to serve the area in which such person resides.
- B. A person commits the offense of electronic telephone fraud if the person knowingly:
1. Uses, in connection with the making or receiving of a telephone call; or
  2. Has possession of; or
  3. Transfers possession or causes the transfer of possession to another; or
  4. Makes or assembles;

an electronic or mechanical device which, when used in connection with a telephone call, will cause the billing system of a telephone company to record incorrectly, or omit to record

correctly, any fact by which the person responsible for paying the charge for a telephone call is determined. (Ord. No. 354 §13, 4-13-93)

#### **SECTION 215.530: LIBRARY THEFT**

- A. A person commits the offense of library theft if with the purpose to deprive he/she:
1. Knowingly removes any library material from the premises of a library without authorization; or
  2. Borrows or attempts to borrow any library material from a library by use of a library card:
    - a. Without the consent of the person to whom it was issued; or
    - b. Knowing that the library card is revoked, canceled or expired; or
    - c. Knowing that the library card is falsely made, counterfeit or materially altered; or
  3. Borrows library material from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and, with the purpose to deprive the library of the library material, fails to return such material to the library.
- B. It shall be prima facie evidence of the person's purpose to deprive the library of the library materials if, within ten (10) days after notice in writing from the library demanding the return of such library material, he/she without good cause shown fails to return the library material.
- C. "*Notice in writing*" means notice deposited as certified or registered mail in the United States mail and addressed to the person at his/her address as it appears on the records of the library or to his/her last known address. (Ord. No. 354 §14, 4-13-93)

#### **SECTION 215.540: GRAFFITI**

- A. *Definition.* As used in this Section, the word "*graffiti*" shall mean and refer to any word, phrase, motto, name, design, symbol, or picture written, scribbled, painted, drawn, etched or scratched directly onto an exterior surface on public or private property.
- B. *Graffiti Prohibited.* No person shall cause graffiti to be placed upon any public or private building fence, wall, bridge, sidewalk, road, parking area, driveway, or similar structure or surface, nor shall the owner thereof suffer the same to remain thereon.
- C. *Parental Responsibility.* The parent or guardian, excluding foster parents, of any unemancipated minor under eighteen (18) years of age, in their care and custody, found guilty of causing graffiti to be placed as prohibited in Subsection (B), above, shall be liable for the payment of reasonable damages and the cost of removal of such graffiti, up to an amount not to exceed two thousand dollars (\$2,000.00), payable to the owner of the property upon which the graffiti was placed, if the parent or guardian has been given written notice of the possible liability provided herein and has been afforded an opportunity to be heard relative to such liability by the Judge of the Municipal Court. The liability provided in this Subsection shall not be a bar to any action or proceeding

against the unemancipated minor for violation of this Section or for damages not paid by the parent or guardian. (Ord. No. 380 §§1–4, 11-8-94)

**SECTION 215.550: RECKLESS BURNING OR EXPLODING**

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

**SECTION 215.560: NEGLIGENT BURNING OR EXPLODING**

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

**SECTION 215.570: DECEPTIVE BUSINESS PRACTICE**

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he/she recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

**SECTION 215.580: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER**

A person commits the offense of alteration or removal of item numbers if he/she, with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed, removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or other distinguishing owner-applied number or mark, on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item, for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan, any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing

owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.590: FAILURE TO RETURN RENTED PERSONAL PROPERTY—  
ENFORCEMENT PROCEDURE—PENALTY—VENUE**

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement.

The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.

- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 215.420 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.600: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—  
LIABILITY PRESUMPTION**

- A. *Definitions.* As used in this Section, the following definitions shall apply:

*MERCANTILE ESTABLISHMENT:* Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

*MERCHANDISE:* All goods, wares and merchandise offered for sale or displayed by a merchant.

*MERCHANT:* Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

*WRONGFUL TAKING:* Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee, criminally or civilly liable to the person so detained.
- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his/her agent or employee, in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his/her agent or employee criminally or civilly liable.

**ARTICLE V. OFFENSES CONCERNING PUBLIC SAFETY**

**SECTION 215.610: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards, or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which

has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

#### **SECTION 215.620: LITTERING**

A person commits the offense of littering if he/she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

#### **SECTION 215.630: LITTERING VIA CARCASSES**

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond, or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- B. If any person shall remove, or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

#### **SECTION 215.640: CORRUPTING OR DIVERTING WATER SUPPLY**

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or City for their use, shall be adjudged guilty of a misdemeanor, and punished by a fine not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.



**SECTION 215.650: RESERVED**

*Editor's Note—Ord. no. 444 §1, adopted October 15, 1999, repealed section 215.650: Abandoned Motor Vehicle, in its entirety. Abandoned property is now covered by sections 220.100–220.180. This section has been left reserved for the city's future use.*

**ARTICLE VI. OFFENSES CONCERNING WEAPONS****SECTION 215.660: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE**

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
  2. Discharges or shoots a firearm within the City limits;
  3. Possesses a firearm or projectile weapon while intoxicated; or
  4. Carries a firearm or any other weapon readily capable of lethal use.
- B. Subparagraphs (1), (2) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following:
1. All State, County and municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  3. Members of the Armed Forces or National Guard while performing their official duty;
  4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;
  5. Any person whose bona fide duty is to execute process, civil or criminal;
  6. Any Federal Probation Officer;
  7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and
  9. The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the City Council.
- C. Subparagraphs (1), (3) and (4) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City.

#### **SECTION 215.670: DISCHARGING AIR GUN, ETC.**

Any person within the limits of this City, who shall discharge any BB gun, spring gun or air gun, or shall shoot any pebble, bullet, slug or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of a misdemeanor.

#### **SECTION 215.680: UNLAWFUL TRANSFER OF WEAPONS**

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

### **ARTICLE VII. OFFENSES CONCERNING PROSTITUTION AND MORALS**

#### **SECTION 215.690: ARTICLE DEFINITIONS**

As used in this Article, the following terms mean:

*PATRONIZING PROSTITUTION:* A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;

2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

**PROSTITUTION:** A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

**SEXUAL CONDUCT:** Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.

**SOMETHING OF VALUE.** Money or property, or any token, object or article exchangeable for money or property.

#### **SECTION 215.700: PROSTITUTION**

A person commits the offense of prostitution if the person performs an act of prostitution.

#### **SECTION 215.710: PATRONIZING PROSTITUTION**

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

#### **SECTION 215.720: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN**

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

**SECTION 215.730: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES**

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 215.690 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

**SECTION 215.740: INDECENT EXPOSURE (SEXUAL MISCONDUCT)**

A person commits the offense of indecent exposure (sexual misconduct) if he/she exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

**ARTICLE VIII. OFFENSES CONCERNING PORNOGRAPHY****SECTION 215.750: DEFINITIONS**

When used in this Article the following terms shall have the meanings set out herein:

*FURNISH*: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

*MATERIAL*: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates and other latent representational objects.

*MINOR*: Any person under the age of eighteen (18).

*NUDITY*: The showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering.

*OBSCENE*: Any material or performance is obscene if:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;

2. Taken as a whole with the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and
3. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

*PERFORMANCE:* Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

*PORNOGRAPHIC FOR MINORS:* Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

*PROMOTE:* To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

*SADOMASOCHISTIC ABUSE:* Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

*SEXUAL CONDUCT:* Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

*SEXUAL EXCITEMENT:* The condition of human male or female genitals when in a state of sexual stimulation or arousal.

## **SECTION 215.760: PROMOTING PORNOGRAPHY**

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or

4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 215.770: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS**

A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he/she:

1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor.
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance.

*Note—Under certain circumstances this offense can be a felony under state law.*

### **ARTICLE IX. OFFENSES CONCERNING MINORS**

#### **SECTION 215.780: CURFEW FOR MINORS UNDER SEVENTEEN—IMPOSED—PROHIBITIONS AND RESTRICTIONS**

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in an automobile, or play in or upon the public streets, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 6:00 A.M. of the following day, official City time, except on Fridays and Saturdays, when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, official City time; provided, that the provisions of this Section do not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense. (CC 1975 §19-3; Ord. No. 149 §1)

#### **SECTION 215.790: CURFEW—RESPONSIBILITY OF PARENTS, GUARDIANS, ETC., FOR VIOLATIONS BY MINORS**

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to loiter, idle, wander, stroll or to drive or ride in an automobile, or play in or upon the public streets, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 6:00 A.M. of the following day, official City time, except on Fridays and Saturdays when the hours

shall be 12:00 Midnight to 6:00 A.M. of the following day, official City time; provided, that the provisions of this Section do not apply when the minor is accompanied by his/her parent, guardian

or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense. (CC 1975 §19-4; Ord. No. 149 §2)

#### **SECTION 215.800: CURFEW—ENFORCEMENT PROVISIONS**

Any Police Officer finding a child violating the provisions of Section 215.780 shall warn the child to desist immediately from such violation and take the child home to his/her parent or guardian. If such parent or guardian cannot be located, he/she shall retain custody until the parent or guardian is located and the child delivered to him/her. The officer shall also report the violation to his/her superior officer who shall cause a written notice to be served on the parent, guardian or person in charge of such child, setting forth the manner in which Section 215.790 has been violated. Any parent, guardian or person in charge of such child who shall knowingly permit such child again to violate the provisions of said Section 215.780, after receiving notice of the first (1st) violation, shall be subject to prosecution for a violation of Section 215.790. (CC 1975 §19-5; Ord. No. 149 §3)

#### **SECTION 215.810: PROHIBITED SALE OF TOBACCO PRODUCTS TO MINORS**

A. *Definitions.* For purposes of this Section, the following definitions shall apply:

*DISTRIBUTE:* A conveyance to the public by sale, barter, gift or sample.

*MINOR:* A person under the age of eighteen (18).

*PROOF OF AGE:* A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

*ROLLING PAPERS:* Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokeable cigarette.

*SAMPLE:* A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

*SAMPLING:* The distribution to members of the general public of tobacco product samples.

*TOBACCO PRODUCTS:* Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

*VENDING MACHINE:* Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

B. *Prohibition Of The Sale Of Tobacco Products To A Minor.*

1. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.

2. Any person who violates this Section shall be fined:

- a. For the first (1st) offense, one hundred dollars (\$100.00).
  - b. For the second (2nd) offense, two hundred dollars (\$200.00).
  - c. For the third (3rd) offense and subsequent offenses, five hundred dollars (\$500.00).
3. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:
  - a. Contain in red lettering at least one-half (½) inch high on a white background, the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF EIGHTEEN."
  - b. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18".
4. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.
5. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
6. If a sale is made by an employee of the owner of an establishment in violation of this Section, the employee shall be guilty of an offense established in Subparagraph (1). If a vending machine is in violation of Subparagraph (3) of this Section, the owner of the establishment shall be guilty of an offense established in Subparagraph (1). If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subparagraph (1).
7. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this Section. No person shall be liable for more than one (1) violation of this Section on any single day.

## **ARTICLE X. OFFENSES CONCERNING DRUGS AND ALCOHOL**

### **SECTION 215.820: DRINKING IN PUBLIC**

It shall be unlawful for any person to consume any alcoholic beverage in or upon any street, sidewalk, store or other public place within the City. (CC 1975 §19-9)

*Cross Reference—As to alcoholic beverages generally, see ch. 600 of this Code.*

**SECTION 215.830: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 215.840: POSSESSION OF MARIJUANA**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo.

**SECTION 215.850: UNLAWFUL USE OF DRUG PARAPHERNALIA**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

**SECTION 215.860: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS**

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

**SECTION 215.870: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED**

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 215.860 and this Section.

**SECTION 215.880: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED—VIOLATIONS OF SECTIONS 215.860 TO 215.870—PENALTY**

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 215.860 and 215.870 hereof.
- B. Any person who violates any provision of Sections 215.860—215.880 is guilty of a misdemeanor.

**ARTICLE XI. MISCELLANEOUS OFFENSES**

**SECTION 215.890: FORTUNETELLERS, ASTROLOGISTS, PALMISTS, ETC.**

- A. No person shall pursue or practice within the City the avocation, profession or art of fortuneteller, clairvoyant, spirit medium, necromancer, seer, astrologist, palmist, prophet or other like crafty or occult art, or art of divination, or pretended art of telling past events of another's life or affairs; of foretelling knowledge of future events of another's life or affairs; or in anywise revealing things of the past, the future or of a secret or hidden nature; of giving advice or assistance in matters of business or affairs of any other kind of nature by means of such art; or of purporting so to tell, foretell, reveal or give advice or assistance by means of such art; and any person who shall so pursue or practice within the City such avocations or professions, or any of them, whether for a price or gratuity, and whether by offer or upon request, shall be deemed guilty of an offense against this Section; and the maintenance, display, posting or advertisement, or the causing to be maintained, displayed, posted or advertised, of any sign, card, bill or announcement of any kind whatever indicating the pursuit or practice of any such avocation, profession or art aforesaid, or indicating an offer to render service in such pursuit or practice, shall, upon proof thereof, be sufficient evidence against the person so maintaining, displaying, posting or advertising, or so causing the same to be done, and so charged, of a violation by and for the conviction of such person under this Section.
- B. Nothing in this Section shall be construed so as to regulate or control the administration of any fund held or acquired by any religious association or body, or so as to violate, limit or impair the religious liberty of any person. (CC 1975 §19-11; Ord. No. 206 §§1,2)

**SECTION 215.900: FURNITURE OR OTHER HEAVY HOUSEHOLD GOODS—MOVING IN OR OUT OF PREMISES DURING CERTAIN HOURS**

- A. It shall be unlawful to move furniture or household goods exceeding three hundred (300) pounds in total weight or exceeding a size of twenty-five (25) cubic feet in or out of any premises in the City between the hours of 7:00 P.M. and 7:00 A.M.
- B. Persons seeking to move furniture or household goods into or out of any building located in the City contrary to the provisions of this Section, may do so by special permit issued by the City Administrator or his/her authorized representative. (CC 1975 §19-12; Ord. No. 484 §§1,4)

**SECTION 215.910: GLASS CONTAINERS IN CITY RECREATIONAL FACILITIES**

It shall be unlawful for any person to bring any glass beverage container into or upon the premises of any park or recreational facility operated by the City of Normandy, Missouri, or to have in his/her possession any such container while in or upon any such premises or facility.

(Ord. No. 265 §§1–2, 4-14-87)

**SECTION 215.920: UNLAWFUL TO FAIL TO PAY FOR WASTE COLLECTION, HAULING OR DISPOSAL SERVICES**

- A. *Definition.* As used in this Section, the term "*owner*" shall mean each person having a fee interest in real estate. The listing of any person on the records of the St. Louis County Recorder's Office, and/or the records of the St. Louis County Department of Revenue, and/or occupancy or property records of the City of Normandy as such an owner of property shall be prima facie evidence that such person is an "*owner*" of that property within the meaning of this Section.
- B. *Prohibited Acts.* It shall be unlawful for any owner of any property for which the City of Normandy has provided trash or solid waste collection, hauling or disposal services to fail to pay for such services.
- C. *Additional Remedy.* Prosecution or conviction of any person under this Section shall not interfere with or foreclose the availability of any other remedy or relief for the collection of any sums due to the City of Normandy for solid waste collection, hauling or disposal services which may be available under law or other ordinances, said remedies being in addition to and not in lieu of prosecution or conviction for the offense described herein. Similarly, the initiation or conclusion of any other remedy for the collection of any sums due to the City of Normandy shall not bar prosecution or conviction for violation of this Section. (Ord. No. 332 §§1–4, 11-12-91; Ord. No. 338 §1, 4-14-92)

**SECTION 215.930: ERECTION OR MAINTENANCE OF BARBED WIRE OR ELECTRICALLY CHARGED FENCES**

- A. It shall be unlawful for any person to erect or maintain or for any property owner or occupant to allow to be erected or maintained on any property within the City, any fence equipped with or having barbed wire, spikes, or any similar device or any electrical charge sufficient to cause an electric shock.
- B. It shall, however, not be unlawful, under this Section to maintain a barbed wire fence so long as said barbed wire is at least six (6) feet above the ground and at least one (1) foot within the property line of the owner's or occupant's property and so long as said property is located within an industrial or business zoning classification.



## **CHAPTER 220: NUISANCES**

*Cross References—As to garbage and refuse, see ch. 235 of this Code; as to dangerous buildings being nuisances, see ch. 515.*

### **ARTICLE I. IN GENERAL**

#### **SECTION 220.010: CHAPTER SUPPLEMENTAL TO OTHER PROVISIONS OF CODE RELATING TO NUISANCES**

Various nuisances are defined and prohibited in other Chapters of this Code, and it is the intent of the City Council in enacting this Chapter to make it supplemental to those other Chapters in which nuisances are defined and prohibited; and the provisions of this Chapter relating to the abatement of nuisances shall be regarded as alternative methods and procedures for the abatement of nuisances in those instances where other methods and procedures for abatement are provided.

(CC 1975 §17-1)

#### **SECTION 220.020: NUISANCES PROHIBITED WITHIN CITY**

It shall be unlawful for any person to cause, harbor, commit or maintain, or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the Statute or common law of this State or as defined by this Code or other ordinances of the City at any place within the City.

(CC 1975 §17-2; Ord. No. 14 §2)

#### **SECTION 220.030: CERTAIN NUISANCES ENUMERATED, BUT LIST NOT EXCLUSIVE**

The following acts when committed, omissions when occurring and conditions when existing within the City are hereby defined and declared to be nuisances:

1. Every act or thing done or made, permitted or allowed, or continued on a property, public or private, by any person, to the annoyance, detriment, damage or injury of the public, or which is injurious to the public health, safety or welfare.
2. All buildings, bridges or other structures of whatever character, kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
3. All trees, tree limbs and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
4. All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, dirt, filth, slops, vegetable matter or other substances or liquid thrown or placed by any person on or in any street, sidewalk or other public place, which in any way may cause any injury or annoyance to the public.

5. All sidewalks, gutters or curbstones permitted to remain in an unsafe condition, or out of repair.
6. All stables and other places for the harboring of animals, fowl or poultry, permitted by the owner thereof or the person responsible therefor to be in such a condition as to become

offensive, annoying or injurious to the public.

7. All houses, buildings and other structures used for storage of powder, dynamite or other explosive or dangerous substances, liquids or gases, except those maintained pursuant to permit issued by competent authority.
8. Any loud and unusual noise created by the repair, testing or operation of motor vehicles or motorized equipment, licensed or unlicensed, of any kind or created by any other means, of sufficient volume to be clearly audible and to annoy persons in the surrounding area.
9. The overnight, outside storage or parking of trucks, trailers or other vehicles used for the collection or hauling of garbage or refuse.
10. The burning, ignition, setting afire or maintenance of the burning of garbage, refuse, waste, trash, straw, paper, woods, leaves, grass clippings, or other combustible materials or other substances of any nature or description, when done in violation of any provision of State law, this Code or other ordinance of the City.
11. All residences, buildings and other structures, all vacant lots and other premises, whether improved or unimproved, which at any time are in such condition as to be unsanitary, unhealthful, a fire hazard or otherwise constitute a danger to the public health, safety or welfare.
12. No vehicle shall be parked or stored on any surface other than a durably paved surface constructed in accord with Section 405.020 of this Code of Ordinances or on a dust-free surface of crushed rock or gravel at least four (4) inches thick and maintained in good condition and free of weeds, grass and dust.

The nuisances described in this Section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by Statute or common law of the State is, when committed, omitted or existing within the City, hereby declared to constitute a nuisance. (CC 1975 §17-3; Ord. No. 14 §1; Ord. No. 446 §1, 11-2-99)

#### **SECTION 220.040: RESPONSIBILITY OF PROPERTY OWNERS, OCCUPANTS AND OTHERS**

Each owner, lessee, tenant, occupant or person in charge of any real property within the City, and each agent or representative of any such person, is hereby charged with responsibility for the maintenance and use of such real property in such manner that no use of, or activity or condition upon or within, such real property shall constitute a nuisance; and all such persons are hereby charged with the duty of observing all of the provisions of this Chapter, but such responsibility shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the City. (CC 1975 §17-4)

#### **SECTION 220.050: ACCUMULATION OF TRASH, DEBRIS, INOPERABLE EQUIPMENT OR JUNK—DEPOSIT ON CITY PROPERTY PROHIBITED**

- A. No owner, occupant or person having charge of any property within the City of Normandy shall allow or permit the accumulation or deposit of any vehicular and/or equipment parts, inoperable appliances, junk, debris or material of any such nature upon such property, where said accumulation or deposit upon open ground would constitute an attractive nuisance, danger to children and/or a possible breeding ground for vermin, rodents and other animals.

- B. Any person found guilty of violating the provisions of this Section shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. No. 304 §§1–2, 3-13-90)

## **ARTICLE II. DETECTION AND ABATEMENT**

### **SECTION 220.060: DUTY OF CITY OFFICERS TO MAKE INSPECTIONS—RIGHT OF ENTRY UPON PRIVATE PREMISES—DUTY OF PROPERTY OWNERS AND OCCUPANTS TO PERMIT ENTRY**

The Chief of Police, the Director of Health and Safety, the Building Commissioner and other City officers, each acting within his/her own respective sphere of responsibility, shall make or cause to be made such inspections of structures, lands and places as they may deem advisable to determine whether any nuisance is being committed or maintained within the City; and for such purpose they shall have the right to enter upon private premises upon compliance with all applicable provisions of law. Unless it appears probable that advance warning would defeat the purpose of such entry, occupants of premises to be entered shall be given reasonable notice in advance, and in any case it shall be unlawful for any owner or occupant to prevent any such entry, provided same is sought in compliance with law. (CC 1975 §17-5)

### **SECTION 220.070: ABATEMENT PROCEDURE GENERALLY—FAILURE TO COMPLY WITH NOTICE TO ABATE**

Irrespective of the penalty provided in Section 100.220, whenever any nuisance is reported to exist, the City Council may notify the person causing or maintaining the same, or the occupant of the property on which the same shall exist, to forthwith remove the same, and should such person fail to forthwith remove the same within a reasonable time from the time of such notice, the City Council may cause the same to be promptly removed and abated, and thereafter make demand on the person responsible therefor for the expense incurred in such removal. Should such person refuse to pay the amount of expenses so incurred and demanded, such person shall be deemed guilty of a misdemeanor and shall forfeit and pay to the City a sum equal to the amount of such expenditure, together with a fine not exceeding fifty dollars (\$50.00). (CC 1975 §17-6; Ord. No. 14 §3)

### **SECTION 220.080: ARTICLE DOES NOT PROHIBIT ARREST FOR COMMITTING OR MAINTAINING NUISANCE**

Nothing in this Article shall be construed to prohibit any Police Officer from arresting any person for committing or maintaining a nuisance when such arrest is made pursuant to law.  
(CC 1975 §17-7)

### **SECTION 220.090: VIOLATIONS**

It shall be unlawful for any person to violate or fail to comply with a lawful order of abatement, or to interfere with any person duly engaged in the inspection of premises or abatement of a nuisance

or posting of notice, or in any other way to violate any of the provisions of this Article.  
(CC 1975 §17-8)

*Cross Reference—As to general penalty for violations of Code, see §100.220 of this Code.*

### **ARTICLE III. ABANDONED PROPERTY**

*Editor's Note—Ord. no. 444 §2 adopted October 15, 1999, repealed and enacted the new provisions set out herein. Former art. III derived from ord. no. 211 §§1–8, 5-8-84 and art. IV which derived from ord. no. 337 §1, 4-14-92 has been superseded by these new provisions.*

#### **SECTION 220.100: DEFINITIONS**

As used in this Article, the following terms shall mean:

**ABANDONED PROPERTY:** Any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational.

**ALL-TERRAIN VEHICLE:** Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control.

**HAZARD:** Any blockage of free travel on public right-of-ways; any placement of a vehicle that encourages vandalism or destruction; any placement of vehicles or parts of vehicles that pose a danger and are accessible to children or animals.

**PERSON:** Any natural person, corporation, or other legal entity.

**REAL PROPERTY:** Any real estate, lot, or part of lot within the City which is not a street or highway.

**RIGHT-OF-WAY:** The entire width of land between the boundary lines of a public road or State highway, including any roadway.

**ROADWAY:** That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**TOWING COMPANY:** Any person or entity which tows, removes or stores abandoned property.

**VEHICLE:** Any mechanical device on wheels, designed primarily for use, or used, on highways except motorized bicycles, vehicles propelled or drawn by horses or human power or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons. (Ord. No. 444 §2, 10-15-99)

**SECTION 220.110: ABANDONED VEHICLES PROHIBITED**

No person shall abandon any motor vehicle on the right-of-way of any public road or State highway or on any private real property owned by another without his consent. (Ord. No. 444 §2, 10-15-99)

**SECTION 220.120: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED**

- A. The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.
- B. It shall be unlawful for any person(s) to make repairs or work on any vehicle stopped, parked or located on or about any premises or land located on property zoned "A" single-family dwelling, "B" single-family dwelling, "C" two-family dwelling, and "D-1" multiple-family dwelling as defined in Chapter 405, Zoning Regulations, of this Code; except that person(s) who are residents living in said dwelling districts and whose vehicle is registered in their name with the Missouri Department of Revenue or in some other legal manner may make repairs or work on said vehicle provided the vehicle is parked in a garage or in the driveway of the premises. (Ord. No. 444 §2, 10-15-99)

**SECTION 220.130: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED**

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. No. 444 §2, 10-15-99)

**SECTION 220.140: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY**

- A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:
  - 1. Any abandoned property on the right-of-way of any State highway, or interstate highway or freeway in an urbanized area of the City, left unattended for ten (10) hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
  - 2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;
  - 3. Any abandoned property which has been abandoned under Section 220.110 of this Code or Section 577.080, RSMo.;

4. Any abandoned property which has been reported as stolen or taken without consent of the owner;

5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;
  6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
  7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.  
(Ord. No. 444 §2, 10-15-99)

**SECTION 220.150: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY**

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 220.120 or are derelict, junk, scrapped, disassembled, or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 220.160. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty eight (48) hours; or
  2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:

- a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
  - b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department and ten (10) hours have elapsed since that notification; or
  - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
  - a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
  - b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
  - c. The license plate or registration number and the State of issuance, if available;
  - d. The physical location of the property and the reason for requesting the property to be towed;
  - e. The date the report is completed;
  - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
  - g. The towing company's name and address;
  - h. The signature of the towing operator;
  - i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all

statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

- j. Space for the name of the law enforcement agency notified of the abandoned property and for the signature of the law enforcement official receiving the report; and
  - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
  4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
  5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.
  6. No owner, lessee, or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
  7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
    - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
    - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.
- F. *Written Authorization Required—Delegation Of Authority To Tow.*
1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
  2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section. (Ord. No. 444 §2, 10-15-99)

## **SECTION 220.160: GENERAL PROVISIONS AND PROCEDURES**

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 220.170.
- B. *Crime Inquiry And Inspection Report.*
1. Upon the towing of any abandoned property pursuant to Section 220.140 or under authority of a Law Enforcement Officer or local government agency pursuant to Section 220.150, the City Police Department, where it authorized such towing or was properly notified by another government agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.
  2. If the abandoned property is not claimed within ten (10) working days of the towing, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

- a. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
  - b. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
  - c. The license plate or registration number and the State of issuance, if available;
  - d. The storage location of the towed property;
  - e. The name, telephone number and address of the towing company;
  - f. The date, place and reason for the towing of the abandoned property;
  - g. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
  - h. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
  - i. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
  2. The date, reason and place from which the abandoned property was removed;

3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
  4. A statement that the storage firm claims a possessory lien for all such charges;
  5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
  6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
  7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
  8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior state of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
  2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
  3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
  4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.*
1. The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if

the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants.

2. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
  2. The towing company, where authorization was made by an owner or lessee of real property.
- If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.
- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property. (Ord. No. 444 §2, 10-15-99)

#### **SECTION 220.170: MAXIMUM CHARGES**

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.
- B. The City Council may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.
- C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

- D. There shall be a charge assessed for the storage of any abandoned property on the real property of the City, with or without the consent of the owner, of five dollars (\$5.00) per day. (Ord. No. 444 §2, 10-15-99)

**SECTION 220.180: SALE OF ABANDONED PROPERTY BY CITY**

- A. *Generally.* When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with the provisions of this Section and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218 RSMo., or Section 301.560, RSMo., or for any other person.
- B. *Sale Of Property Of Less Than Fifty Dollars In Value.* Whenever abandoned property is in the physical possession of the City pursuant to the provisions of this Article and is deemed by the Chief of Police to have a value of less than fifty dollars (\$50.00), then such property may be sold for scrap after the twentieth (20th) day of such possession by the City.
- C. *Sale Of Property Of Greater Than Or Equal To Fifty Dollars In Value.*
1. Whenever any abandoned property is in the physical possession of the City pursuant to the provisions of this Article and is deemed by the Chief of Police to have a value of greater than or equal to fifty dollars (\$50.00), then the City shall retain physical possession for sixty (60) days, during which the owner may reclaim the property, pursuant to the provisions of this Article. Following the sixty (60) days, the property may be sold for cash at public sale to the highest bidder. The City shall publish notice of the sale at least once in a newspaper published in St. Louis County not less than five (5) days prior to such sale; and shall provide written notice to the owner, if known, via certified mail to his last known address. The published notice shall give the identity of the owner of the vehicle, if known, together with the particular description of the vehicle.
  2. Whenever the City sells abandoned property pursuant to this Section, the proceeds of such sale shall be deposited with the City Treasurer for deposit in the General Fund of the City. The City Treasurer shall also be provided with the following documents:
    - a. Statement of costs incurred by the City in towing, storage and sale of the vehicle;
    - b. A written copy of the reports of investigation, including the crime inquiry and inspection report;
    - c. The newspaper publisher's affidavit of publication; and
    - d. A report of the sale, including amount, and name and address of the purchaser.
  3. The owner of any abandoned property may reclaim such property prior to sale by paying all costs and expenses incurred by the City for towing, storage and sale of the property, or at the sale shall be offered first (1st) opportunity to reclaim such property before it is sold to any other person by paying all costs and expenses. Any owner, within one (1) year of the date of sale and upon providing proof of his ownership of the abandoned property, shall be given the proceeds from sale of his property less any costs and expenses incurred by the City for towing, storage and sale of the property. (Ord. No. 444 §2, 10-15-99)





## **CHAPTER 225: EMERGENCY MANAGEMENT**

### **SECTION 225.010: ESTABLISHMENT**

There is hereby created within and for the City of Normandy an emergency management organization to be known as the Normandy Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

### **SECTION 225.020: ORGANIZATION**

This agency shall consist of a Director and other members appointed by the Normandy Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

### **SECTION 225.030: FUNCTIONS**

The organization shall perform emergency management functions within the City of Normandy, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

### **SECTION 225.040: DIRECTOR**

- A. The Director will be appointed by the Mayor, with the consent and approval of the City Council, and shall serve at the pleasure of the Mayor and City Council.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities, subject to the direction and control of the Mayor or City Council.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Normandy Emergency Management Organization. (CC 1975 §7-1)

### **SECTION 225.050: SCOPE OF OPERATION**

The City of Normandy in accordance with Chapter 44, RSMo., may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including

emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Disaster and Emergency Planning.

2. Appoint, provide, or remove rescue teams, Auxiliary Fire and Police personnel and other emergency operation teams, units, or personnel who may serve without compensation.
3. In the event of enemy attack, waive the provisions of Statutes requiring advertisements for bids for the performance of public work or entering into contracts.

#### **SECTION 225.060: MUTUAL-AID AGREEMENTS**

The Mayor of the City, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan, may enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements. (CC 1975 §7-6)

#### **SECTION 225.070: CITY MAY ACCEPT SERVICES, ETC.**

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for disaster planning and operations purposes, subject to the terms of the offer. (CC 1975 §7-9)

#### **SECTION 225.080: OATH**

No person shall be employed or associated in any capacity in the Normandy Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Normandy Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I,\_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate overthrow of the Government of the United States or of this State by force or violence; and that during such a ti I will not advocate nor become a member of any political party or organization that advocates the overthrow of t

#### **SECTION 225.090: OFFICE SPACE**

The Mayor is authorized to designate space in any City-owned or leased building for the Normandy Emergency Management Organization. (CC 1975 §7-4)

## **CHAPTER 230: HUMAN RIGHTS**

### **ARTICLE I. IN GENERAL**

#### **SECTION 230.010: PURPOSES OF CHAPTER**

The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal Human Rights legislation, and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.
3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

#### **SECTION 230.020: DEFINITIONS**

For the purposes of this Chapter the following terms shall be deemed to have the meanings indicated below:

*COMMISSION:* The Normandy Commission on Human Rights.

*COMPLAINANT:* A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

*DISCRIMINATION:* Any unfair treatment based on race, color, religion, national origin, ancestry, sex, handicap, or familial status as it relates to housing or provision of municipal services.

*DWELLING:* Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

*FAMILIAL STATUS:* One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

*HANDICAP:* A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, a condition perceived as such, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*handicap*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo., however, a person may be considered handicapped if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

*HOUSING FOR OLDER PERSONS:* Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

*PERSON:* Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons.

*PLACES OF PUBLIC ACCOMMODATION:* All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace,

comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

1. Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
5. Any public facility owned, operated, or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

*RENT:* Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

*RESPONDENT:* A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

*UNLAWFUL DISCRIMINATORY PRACTICE:* Any act that is unlawful under this Chapter.

## **ARTICLE II. COMMISSION ON HUMAN RIGHTS**

### **SECTION 230.030: ~~COMMISSION CREATED—MEMBERSHIP—QUALIFICATIONS—TERMS—VACANCIES~~**

There is hereby established a Commission on Human Rights. The Commission shall consist of five (5) members, who shall be appointed by a majority of the members of the City Council from among the residents of the City and who shall serve as such without compensation. The City Council shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the five (5) members first (1st) appointed, two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

**SECTION 230.040: OFFICERS—MEETING AND QUORUM—RULES AND PROCEDURES—  
COMPENSATION—ATTENDANCE—TRAINING**

- A. The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Three (3) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the City Council through the City Clerk of such vacancy.

**SECTION 230.050: FUNCTIONS, POWERS AND DUTIES**

The Commission shall have the following functions, powers and duties:

- 1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or handicapped persons.
- 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
- 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
- 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
- 5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
- 6. To cooperate with other organizations, private and public, to discourage discrimination.
- 7. To advise the City Council on human rights issues.
- 8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
- 9. To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the City.

10. To present informational programs on human rights to school, business, service and other organizations.

11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the City Council a full written report of all its activities and of its recommendations.

### **ARTICLE III. DISCRIMINATORY PRACTICES**

#### **SECTION 230.060: UNLAWFUL HOUSING PRACTICES**

**A.** It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
  - a. That buyer or renter;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

- a. That person;

- b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- c. Any person associated with that person.

B. For purposes of Sections 230.060, 230.070, and 230.080 discrimination includes:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
  - a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons.
  - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs.
  - c. All premises within such dwellings contain the following features of adaptive design:
    - (1) An accessible route into and through the dwelling;
    - (2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
    - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
2. Ground floor units in other buildings consisting of four (4) or more units.

- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

**SECTION 230.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, handicap or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, handicap, or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

**SECTION 230.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, on account of race, color, religion, national origin, ancestry, sex, handicap, or familial status.

**SECTION 230.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS**

- A. All persons within the City of Normandy are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Section 230.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 230.020 and this Section.

**SECTION 230.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES**

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel, or coerce the Commission of acts prohibited under this Chapter or to attempt to do so;

2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, handicap, or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

#### **SECTION 230.110: EXEMPTIONS**

**A.** Nothing in this Chapter shall be construed to:

1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 230.060.
2. To invalidate or limit any law of the State or of the City, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.

**B.** Nothing in Sections 230.060, 230.070 and 230.080:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.

**C.** Nothing in this Chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

**D.** Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 230.060, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
  - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
  - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

#### **ARTICLE IV. ENFORCEMENT PROCEDURES**

##### **SECTION 230.120: COMPLAINTS**

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

##### **SECTION 230.130: COMPLAINTS—INVESTIGATION, CONCILIATION AND MEDIATION**

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation, and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct

further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference,

conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.

- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

#### **SECTION 230.140: PROSECUTIONS—TIME LIMITATIONS**

- A. No prosecution or civil action for a violation of any provision of this Chapter shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

#### **SECTION 230.150: PENALTY FOR VIOLATION OF CHAPTER**

Any person who shall violate any provision of this Chapter shall be deemed guilty of an ordinance violation and shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

## **CHAPTER 235: GARBAGE, REFUSE AND WEEDS**

*Cross References—As to failure to pay for solid waste collection, see §215.920; as to open burning, see §210.030 et seq.; as to nuisances generally, see ch. 220; as to litter in city parks, see §240.210; as to snow, ice and debris on sidewalks, see §510.030.*

### **ARTICLE I. SOLID WASTE**

#### **SECTION 235.010: DEFINITIONS**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**APPROVED INCINERATOR:** An incinerator which complies with all current regulations of the State Air Conservation Commission.

**BULKY RUBBISH:** Non-putrescible solid wastes consisting of combustible or non-combustible waste materials from dwelling units, or commercial, industrial, institutional or agricultural establishments, which are either too large or too heavy to be safely and conveniently loaded in solid waste collection vehicles by solid waste collectors, with equipment available thereof.

**COLLECTION:** Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

**DEMOLITION AND CONSTRUCTION WASTE:** Waste materials from the construction or destruction of residential, industrial or commercial structures.

**DIRECTOR:** The City Administrator or his/her authorized representative.

**DISPOSABLE SOLID WASTE CONTAINER:** Plastic bags, paper bags, cardboard or wooden containers, specifically designed for the disposal of solid wastes.

**DWELLING UNIT:** Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

**GARBAGE:** Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

**HAZARDOUS WASTES:** Any waste or combination of wastes, as determined by the Commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

**MULTIPLE HOUSING FACILITY:** In any building in the City of Normandy in which two (2) or more persons or families reside in separate buildings or household units under one (1) common roof,

the owner thereof shall subscribe and pay for the collection of garbage and rubbish for each unit contained in the building.

*OCCUPANT:* Any person, who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

*PROCESSING:* Incinerating, composting, bailing, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

*REFUSE:* Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes and demolition and construction wastes.

*SOLID WASTES (COMMERCIAL):* Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than three (3) dwelling units.

*SOLID WASTES (RESIDENTIAL):* Solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than three (3) dwelling units.

*SOLID WASTE CONTAINER:* Receptacle used by any person to store solid waste during the interval between solid waste collections.

*SOLID WASTE DISPOSAL:* The process of discarding or getting rid of unwanted material. In particular, the final disposition of solid waste by man.

*SOLID WASTE MANAGEMENT:* The entire solid waste system of storage, collection, transportation, processing and disposal.

*STORAGE:* Keeping, maintaining or storing waste from the time of its production until the time of its collection.

*YARD WASTES:* Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (Ord. No. 195 §13-11, 7-26-83; Ord. No. 209 §4(13-11), 4-10-84; Ord. No. 228 §1(13-11), 12-11-84)

## **SECTION 235.020: RULES AND REGULATIONS**

- A. The Director shall make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
  2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

3. Identification of solid waste containers and of the covers thereof, and of equipment thereof appertaining, if any.

4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
  5. Storage of solid waste in solid waste containers.
  6. Sanitation, maintenance and replacement of solid waste containers.
  7. Schedules of and routes for collection of solid waste.
  8. Collection points of solid waste containers.
  9. Collection and disposal of solid waste.
  10. Processing facilities and fees for the use thereof.
  11. Disposal facilities and fees for the use thereof.
  12. Records of quantity and type of wastes received at processing or disposal facilities.
  13. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Administrator or such other City Official who is responsible for preparing utility and other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection or disposal service charges, as hereinafter, provided for.
- C. A copy of all rules and regulations made and promulgated under the provisions of this Section shall be filed in the office of the City Clerk. (Ord. No. 195 §13-12, 7-26-83)

#### **SECTION 235.030: PROHIBITED ACTS**

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own, without the written consent of the owner of such container, or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
2. Interfere in any manner with solid waste collection equipment or with solid waste collectors either of the City or of a solid waste collection agency operating under contract with the City.
3. Burn solid waste, unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.
4. Dispose of solid waste at any facility or location which is not approved by the City and the State Division of Health.

5. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked. (Ord. No. 195 §13-13, 7-26-83)

**SECTION 235.040: SERVICE CHARGES**

- A. The system of services established by the provisions of this Section is designed as an integral part of the City's program of health and sanitation to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage drainage. For the purpose of defraying the cost of collecting, receiving, and disposing of garbage and rubbish, the City will bill and collect a mandatory service charge from each dwelling unit. The mandatory service charge shall be imposed upon the owner or occupant of each dwelling unit whether the services are used or not; provided however, that there will not be a charge for a vacant unit. The City may enforce collection of such charges by bringing proper legal action against the occupant or owner of any premises which has received such service, to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the Court. The service charge, herein provided for is hereby imposed upon the owner of each dwelling unit receiving such service under the provisions of this Article.
- B. In any building in the City in which two (2) or more persons or families reside in separate living or household units under one (1) common roof, the owner thereof shall subscribe and pay for the collection of garbage and rubbish for each unit contained in the building.
- C. Any unpaid charges for the rendering of service to the units contained in any building shall become a lien upon the real property.
- D. The service charge for each commercial establishment or multiple-family dwelling unit will be determined by the Director on the basis of quantity and characteristics of material, point of pickup, and time required to collect the solid waste if service is performed by the City. The rate shall be ratified by the Mayor and City Council by resolution or set in conjunction with the adoption of the annual budget of the City and contained in the budget document. The service charge for each residential dwelling unit will be determined by the Director and include in the annual budget of the City. The rate shall be ratified by the Mayor and City Council by resolution or set in conjunction with the adoption of the annual budget of the City and contained in the budget document.
- E. Nothing herein shall preclude the Mayor and City Council from reviewing from time to time the operation of the sanitation division and by resolution adopting such rates as authorized by law as they deem appropriate and necessary to defray the cost of collecting, receiving, and disposing of residential and commercial garbage and rubbish.
- F. The charge for garbage and rubbish collection by the City shall be payable in advance of service rendered on the first (1st) of the months of April and October, beginning July 1983; and all charges shall be delinquent if not paid within thirty (30) days after becoming due. Failure to pay the charges due within thirty (30) days after the due date shall be grounds for discontinuance of the service, which shall not be restored until all delinquent charges are paid. New customers starting service during a period shall pay for the period to the next semi-annual payment, pro-rated monthly, and semi-annually thereafter.
- G. Owners have the ultimate responsibility for payment of sanitation charges. Delinquent charges may be charged as a special tax bill and shall become a lien against the property if not paid within thirty (30) days of the date of the special tax bill.
- H. Nothing shall preclude any subscriber from paying the total year fee in advance and the City may offer a discount to those subscribers who do pay annually in advance of service rendered.

- I. No credits will be issued for early termination of service in any billing period.  
(Ord. No. 195 §13-14, 7-26-83; Ord. No. 228 §2(13-14), 12-11-84)

**SECTION 235.050: STORAGE CONTAINERS—DUTY TO PROVIDE AND MAINTAIN IN GOOD REPAIR**

The occupant and owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit or establishment, and shall maintain such solid waste containers at all times in good repair. (Ord. No. 195 §13-15, 7-26-83)

**SECTION 235.060: STORAGE CONTAINERS—DUTY TO PLACE SOLID WASTE IN CONTAINERS AND MAINTAIN IN CLEAN AND SANITARY CONDITION**

The occupant and owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.  
(Ord. No. 195 §13-16, 7-26-83)

**SECTION 235.070: STORAGE CONTAINERS—RESIDENTIAL SOLID WASTE**

A. Residential solid waste shall be stored in the following type containers:

1. Metal type container of not less than twenty-five (25) gallons and not more than thirty-two (32) gallons.
2. Plastic type containers, which are manufactured of unbreakable material of not less than twenty-five (25) gallons and not more than thirty-two (32) gallons.
3. All containers shall be leakproof, waterproof, and fitted with a flytight lid and shall be properly covered at all times, excepting when depositing waste therein or removing the contents therefrom.
4. All containers shall have handles, bails, or other suitable lifting devices or features.
5. Containers shall be of a type manufactured for residential solid waste use with tapered sides. The containers shall be light weight and of sturdy construction. The individual container and contents shall not exceed seventy-five (75) pounds.
6. Plastic bags may be used as "liners" for containers that hold residential solid waste.
7. *Yard wastes.* Leaves, grass and weeds may be stored in plastic bags and securely fastened after the contents are stored therein outside and separate from a container and are to be placed at the curb.

8. *Number of containers.* Not more than three (3) containers shall be placed for pick-up on garbage collection days by the residents of any one (1) household with the exception of trash and garbage collections immediately after a holiday, four (4) containers of the type heretofore described may be placed for collection by the occupants of a household.
  9. All trash and garbage shall be placed at the curb and/or front building line on days of collection for pick-up.
  10. All trash, garbage and heavy pick-up shall be placed for disposal not earlier than 6:00 P.M. of the day preceding pick-up, and the containers shall be removed no later than 10:00 P.M. of the designated pick-up day.
- B. *Violations And Penalties.* It shall be unlawful for any person, firm or household to violate or fail to comply with any of the provisions of this Section and any such violations shall be punishable by the penalties provided in Section 100.220 of this Code. (Ord. No. 195 §13-17, 7-26-83; Ord. No. 209 §5(13-17), 4-10-84)

#### **SECTION 235.080: STORAGE CONTAINERS—COMMERCIAL SOLID WASTE**

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements as set forth by Section 235.020. (Ord. No. 195 §13-18, 7-26-83)

#### **SECTION 235.090: STORAGE CONTAINERS—YARD WASTES**

Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon and adjacent public rights-of-way. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. (Ord. No. 195 §13-19, 7-26-83)

#### **SECTION 235.100: STORAGE CONTAINERS—DISPOSAL OF UNAPPROVED CONTAINERS**

Solid waste containers which are not approved will be collected, together with their contents, and disposed of. (Ord. No. 195 §13-20, 7-26-83)

#### **SECTION 235.110: TREE LIMBS**

Tree limbs less than four (4) inches in diameter shall be placed at the curb for the chipper prior to 7:00 A.M. Monday morning. Limbs in excess of four (4) inches in diameter shall be cut in sections not to exceed forty-eight (48) inches in length and placed at the curb. (Ord. No. 195 §13-21, 7-26-83)

#### **SECTION 235.120: STORAGE OF CONTAINERS**

Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted

written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel and fire inspection personnel. (Ord. No. 195 §13-22, 7-26-83)

#### **SECTION 235.130: COLLECTION—GENERALLY**

The City shall provide for the collection of solid wastes as follows:

1. *Collection of residential solid waste.* The City shall provide for the collection of all residential solid waste in the City; provided, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.
2. *Other collections.* The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collections of all solid waste produced upon any such premises.  
(Ord. No. 195 §13-23, 7-26-83)

#### **SECTION 235.140: ALL SOLID WASTE TO BE COLLECTED—EXCEPTIONS**

All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein; provided, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk, to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency. (Ord. No. 195 §13-24, 7-26-83)

#### **SECTION 235.150: PLACEMENT OF CONTAINERS, ETC., FOR COLLECTION**

Tree limbs and yard wastes, as described in Sections 235.090 and 235.110 respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this Article for the storage of other residential solid waste shall be placed at the front of the building for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this Article to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day and said containers shall be removed from the curb and placed at or behind the front building line after collection the same day. (Ord. No. 195 §13-25, 7-26-83)

#### **SECTION 235.160: SOLID WASTE COLLECTORS**

Solid waste collectors, employed by the City, or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Article. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director. (Ord. No. 195 §13-26, 7-26-83)



**SECTION 235.170: COLLECTION FREQUENCIES**

The following collection frequencies shall apply to collection of solid waste within the City:

All residential solid waste, other than bulky rubbish, shall be collected at least twice weekly. At least thirty-six (36) hours shall intervene between collections. All commercial solid waste shall be collected at least twice weekly and shall be collected at such lesser intervals as may be fixed by the Director upon a determination that such lesser intervals are necessary for the preservation of the health or safety of the public. (Ord. No. 195 §13-27, 7-26-83)

**SECTION 235.180: COLLECTION VEHICLES**

All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or separate covers of suitable material with fasteners designed to secure all sides of the cover to the vehicle, which shall be secured whenever the vehicle is transporting solid waste, or the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. (Ord. No. 195 §13-28, 7-26-83)

**SECTION 235.190: EFFECT OF ARTICLE UPON REMOVAL, HAULING, ETC., OF MATERIALS FROM GRADING OR EXCAVATION ACTIVITIES**

Permits shall not be required under this Article for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles. Trucks or receptacles shall be so constructed and maintained that none of the material being transported shall spill upon the public rights-of-ways. (Ord. No. 195 §13-29, 7-26-83)

**SECTION 235.200: TRANSPORTATION AND DISPOSAL OF DEMOLITION AND CONSTRUCTION WASTES**

Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 235.210 through 235.290 of this Article. (Ord. No. 195 §13-30, 7-26-83)

**SECTION 235.210: DISPOSAL PROCESSING FACILITY**

Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the State Division of Health. (Ord. No. 195 §13-31, 7-26-83)

**SECTION 235.220: HAZARDOUS WASTES**

The Director may classify certain wastes as hazardous wastes, which will require special handling and which shall be disposed of only in a manner acceptable to the Director, and which will meet all local, State and Federal regulations. (Ord. No. 195 §13-32, 7-26-83)

**SECTION 235.230: PERMIT REQUIRED**

- A. No person, company, or corporation shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits, without first obtaining an annual permit therefor from the City; provided, that this provision shall not be deemed to apply to employees of the holder of any such permit.
- B. Any persons, company, or corporation engaged in the business of collecting, transporting, processing or disposing of solid waste or trash shall collect, transport, process or dispose of said solid waste or trash between the hours of 6:00 A.M. and 6:00 P.M. Monday through Saturday only. (Ord. No. 195 §13-33, 7-26-83)

**SECTION 235.240: APPLICANT TO FILE AND MAINTAIN INSURANCE**

No permit shall be issued under this Article until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in the amount of not less than twenty-five thousand dollars (\$25,000.00) for damage to property. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give notice. (Ord. No. 195 §13-34, 7-26-83)

**SECTION 235.250: PERMIT APPLICATION**

Each applicant for a permit under this Article shall state in his/her application therefor:

1. The nature of the permit desired, whether to collect, transport, process or dispose of solid waste, or any combination thereof.
2. The characteristics of solid waste to be collected, transported, processed or disposed.
3. The number of solid waste vehicles to be operated thereunder.
4. The precise location of solid waste processing or disposal facilities to be used.
5. Boundaries of the collection area.
6. Such other information as required by the Director. (Ord. No. 195 §13-35, 7-26-83)

**SECTION 235.260: PERMIT ISSUANCE—TERMS—FEES—AUTHORITY TO REQUIRE MODIFICATIONS IN APPLICATION**

- A. If the applicant for a permit under this Article shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment

and in conformity with State law and this Article, the Director shall issue the permit authorized by this Article. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of fifty dollars (\$50.00).

- B. If, in the opinion of the Director, modifications can be made to the application regarding service, equipment or mode of operation, so as to bring the application within the intent of this Article, the Director shall notify the applicant in writing, setting forth the modification to be made and the time in which it shall be done. (Ord. No. 195 §13-36, 7-26-83)

#### **SECTION 235.270: DENIAL—REAPPLICATION**

If the applicant does not make the modifications pursuant to the notice provided for in Section 235.260 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application; provided, that all aspects of the reapplication comply with the provisions of this Article. (Ord. No. 195 §13-37, 7-26-83)

#### **SECTION 235.280: RENEWAL—TRANSFER**

The annual permit may be renewed simply upon payment of the fee as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 235.240 and 235.250. No permits authorized by this Article shall be transferrable from person to person. (Ord. No. 195 §13-38, 7-26-83)

#### **SECTION 235.290: APPEALS**

Any person who feels aggrieved by any notice of violation by the Director, or order issued pursuant thereto, may within ten (10) days of the act for which redress is sought, appeal directly to the City Council, in writing, setting forth in concise statement the act being appealed and the grounds for its reversal. (Ord. No. 195 §13-41, 7-26-83)

#### **SECTION 235.300: INSPECTIONS—NOTICE OF VIOLATIONS**

In order to insure compliance with the laws of this State, this Code and the rules and regulations authorized herein, the Director, or his/her authorized representative, is authorized to inspect all phases of solid waste management within the City. No inspection shall be made in any residential unit, unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violations of this Code or the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State, the Director, or his/her authorized representative, shall issue notice for each such violation stating therein the violation found, the time and date and the corrective measure to be taken together with the time in which such corrections shall be made. For the purpose of this Article, such notice shall be served by posting on the property, in a conspicuous place, or served in person, or mailed to the

owner, caretaker, tenant, or agent of the property setting forth the violation and shall give the owner, caretaker, tenant or agent five (5) days from the date of the notice to abate the nuisance or

violation. Only one (1) such notice within a twelve (12) month period or within twelve (12) months of any court action for a violation of a similar nature shall be required. Each day a nuisance or violation occurs or is allowed to occur, shall constitute a separate violation of this Article.

(Ord. No. 209 §1(13-8), 4-10-84; Ord. No. 219 §1(13-8), 7-17-84)

#### **SECTION 235.310: SUSPENSION OR REVOCATION FOR FAILURE TO CORRECT VIOLATIONS—EXTENSION OF TIME**

In all cases when the corrective measures have not been taken within the time specified, the Director or his/her authorized representative, shall proceed with prosecution in Municipal Court. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time, not to exceed the original time period, may be given.

(Ord. No. 209 §2(13-9), 4-10-84)

#### **SECTION 235.320: VIOLATIONS AND PENALTIES**

Whenever any nuisance or violation of this Code is permitted on any lot or part of lot in the City, the owner, caretaker, tenant or agent having the care of the lot or part of lot shall be liable not only to the penalties provided in Section 100.220 for violation of this Code but shall also be required to abate such nuisance or violation from the lot or part of lot so owned by him/her as provided in this Code. (Ord. No. 209 §3(13-10), 4-10-84)

### **ARTICLE II. WEEDS**

#### **SECTION 235.330: DEFINITIONS**

As used in this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*BUSHES*: Includes any low or high growth of a several stemmed, dense, woody plant.

*GRASS*: Includes any one of a number of varieties of common, or special hybrid grasses.

*HAZARDOUS BUSHES, TREES, SHRUBBERY*: Includes any plant growth that obstructs a public right-of-way; that endangers neighboring property, or persons, through health, safety, or welfare; that obstructs natural light and ventilation to neighboring property.

*OBNOXIOUS VEGETATIVE GROWTHS*: Includes any plant growth that is considered a "weed", and grows to unsightly lengths (over six (6) inches), or grows in or upon trees, shrubbery, bushes, concrete, driveways, or upon any residential or commercial building.

*PROPERTY*: Includes any lot, or parts of lots, vacant or habitable; any property with structures, residential or commercial; any easement or right-of-ways (sidewalks, etc.) upon any lot.

*SHRUBBERY*: Includes any one of a number of varieties of low, several stemmed woody plants.

*WEEDS:* Includes any plant growth formally classified as a weed, or destructive, or poisonous plant, by the sciences of botany or biology. (Ord. No. 210 §1(13-11), 4-10-84)

**SECTION 235.340: VEGETATIVE GROWTHS WHICH CONSTITUTE NUISANCE**

Weeds and grass over six (6) inches in height; obnoxious vegetative growths; hazardous bushes, trees, and shrubbery on any lot or part of lot in the City of Normandy are hereby declared to be a nuisance and subject to removal according to the provisions of this Article.

(Ord. No. 210 §2(13-42), 4-10-84)

**SECTION 235.350: INSPECTION OF LOTS—NOTICES TO OWNERS, TENANTS, ETC., TO CUT OBNOXIOUS GROWTHS**

- A. It shall be the duty of the Building Commissioner, from time to time, to survey and observe all lots and parts of lots in the City. In all instances where such inspections reveal violation of this Article or the rules and regulations authorized herein the Building Commissioner shall issue notice for each such violation stating therein the violation found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.
- B. For the purpose of this Article, such notice shall be served by posting on the property, in a conspicuous place, or served in person, or mailed to the owner, caretaker, tenant, or agent of the property setting forth the violation and shall give the owner, caretaker, tenant or agent five (5) days from the date of the notice to abate the nuisance or violation. Only one (1) such notice within a twelve (12) month period or within twelve (12) months of any court action for violation of a similar nature shall be required. Each day a nuisance or violation occurs or is allowed to occur, shall constitute a separate violation of this Article.
- C. Should the owner, caretaker, tenant or agent fail to abate the nuisance, the City shall proceed to remove the same at the cost and expense of such persons and that such cost, together with the costs of making up such bill as hereinafter set forth, shall constitute a lien against the lot or parts of lots from which such nuisance or violation are removed. (Ord. No. 210 §3(13-43), 4-10-84; Ord. No. 217 §1, 7-10-84)

**SECTION 235.360: DUTY OF BUILDING COMMISSIONER WHEN NOTICE NOT COMPLIED WITH**

In the event that the nuisance or violation is not removed from any such lot or part of lot within the time provided by the notice mentioned in Section 235.350, it shall be the duty of the Building Commissioner to cause the nuisance or violation to be abated at the expense of the City, and to certify to the Director the description of such lot or part of lot from which he/she has caused the nuisance or violation to be removed, together with the amount of expenses incurred thereby.

(Ord. No. 210 §4(13-44), 4-10-84)

**SECTION 235.370: SPECIAL TAX BILLS AND COLLECTION THEREOF**

Upon receipt of a certificate mentioned in Section 235.360, it shall be the duty of the Director to prepare a special tax bill against such lot, which shall contain a description of the lot or part of lot, the date of the bill, the amount of the cost of the cutting, removal or destruction of the weeds or other obnoxious growths thereon and an additional amount of ten dollars (\$10.00) as an administrative and collection fee. The Director shall thereafter and within ten (10) days from the

receipt of the certificate prepare and mail a postpaid notice to the owner, caretaker, tenant, or agent of such lot, notifying him/her of the special tax bill and the reason therefor and the amount thereof.

Thereafter, the Director shall proceed forthwith to collect the amount thereof and turn over the funds thus collected to the General Fund. The tax bill from the date of its issuance shall be a first lien upon the property until paid, and if not paid when due shall bear interest at the rate of eight percent (8%) per annum. In the event a lawsuit is required to enforce a tax bill, the City may be awarded its costs of collection, including attorney fees, by the Court in accordance with Section 71.285, RSMo. (Ord. No. 365 §1, 10-12-93)

**SECTION 235.380: SPECIAL TAX BILLS CREATE LIENS—INTEREST WHEN NOT PAID WITHIN THIRTY DAYS**

All special tax bills rendered under the provisions of this Article shall be and become a lien upon the properties against which rendered and, unless paid within sixty (60) days from the date thereof, shall bear interest at the rate of two-thirds percent ( $\frac{2}{3}\%$ ) per month until paid. (Ord. No. 195 §13-46, 7-26-83)

**SECTION 235.390: VIOLATIONS AND PENALTIES**

Whenever any nuisance or violation occurs, or is permitted to occur on any lot or part of lot in the City, the owner, caretaker, tenant or agent having the care of the lot or part of lot shall be liable not only to the penalties provided in Section 100.220 of this Code for violation of this Article but shall also be required to remove such nuisance or violation from the lot or part of lot so owned or controlled by him/her as provided in this Article or pay the expenses incurred by the City for the removal as outlined by this Article. (Ord. No. 210 §6(13-47), 4-10-84)

**SECTION 235.400: REPETITIVE OFFENSES**

If weeds, grass or other vegetation growth are allowed to grow on the same property in violation of this Article more than once during the same growing season:

1. The Building Commissioner may order the owner or owners to cut down and remove same within five (5) business days after notice of such order is delivered, after which the Director may have such growth cut down and removed, and the costs thereof shall be taxed and enforced as otherwise provided in this Section, or
  2. The Commissioner may, without such notice, have such growth cut down and removed, and the costs thereof shall be taxed and enforced as otherwise provided in this Section.
- (Ord. No. 365 §2(13-48), 10-12-93)



## **CHAPTER 240: PARKS AND RECREATION**

*Cross References—As to amusements and amusement devices generally, see §605.310 et seq., of this Code; as to streets, sidewalks and public places generally, see ch. 510.*

### **SECTION 240.010: PURPOSE OF CHAPTER**

The purpose of this Chapter is to regulate the use of the parks and recreation buildings of the City in order that all persons may enjoy and make use of such parks and buildings, and to protect the rights of those in the surrounding areas. (CC 1975 §21-1; Ord. No. 420 §1)

### **SECTION 240.020: DEFINITIONS**

For the purposes of this Chapter, the following words or phrases shall have the meanings respectively ascribed to them by this Chapter:

**AMPLIFIED MUSIC:** Music projected and transmitted by electronic equipment, including amplifiers, the total output of which amplifiers, including the sum of the wattage output of each channel, exceeds twenty-five (25) watts.

**AMPLIFIED SPEECH:** Speech projected and transmitted by electronic equipment, including amplifiers, the total output of which amplifiers, including the sum of the wattage output of each channel, exceeds twenty-five (25) watts.

**BUILDINGS:** Those buildings, or any portion thereof, under the supervision of the Director of Utilities, Housing and Parks made available to exclusive use of permittees.

**DIRECTOR:** The City Administrator.

**PARK:** A park, reservation, playground, swimming pool, recreation center or any other area in the City, owned or used by the City and devoted to active or passive recreation.

**PERMIT:** A permit for exclusive use of parks or buildings as provided for and defined in this Chapter.

**VEHICLE:** Any wheeled conveyance, whether motor powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City Parks. (CC 1975 §21-2; Ord. No. 420 §2)

### **SECTION 240.030: COMPLIANCE WITH CHAPTER**

No person shall enter, be or remain in any park or building of the City, unless he/she complies with all of the regulations set forth in this Chapter applicable to such park or building. (CC 1975 §21-3; Ord. No. 420 §3)

**SECTION 240.040: EXCLUSIVE USE PERMITS FOR PARKS—REQUIRED**

The City's Parks shall be made available for the exclusive use of persons and groups, subject to the issuance of a permit by the Director and subject to the payment of fees therefor. No exclusive use of any park for preadvertised assemblies or groups may be made without the issuance of a permit therefor. All applications for exclusive use of any park must be signed or cosigned by an adult, which adult shall agree to be responsible for such exclusive use. No exclusive use permit will be granted, if, prior to the time the application was filed, the City has scheduled a City sponsored event at the same time and place as the activity proposed in the application.

(CC 1975 §21-4; Ord. No. 420 §4)

*Cross Reference—As to prohibition of issuance of permits to delinquent taxpayers, see §100.230 of this Code.*

**SECTION 240.050: PARK PERMIT—APPLICATION—FILING**

Any person applying for a park permit under this Chapter shall file an application for such permit with the Director not less than fourteen (14) days nor more than sixty (60) days prior to the proposed use of the park. The Director may waive the fourteen (14) day period, if the applicant waives all appeal rights. (CC 1975 §21-5; Ord. No. 420 §5)

**SECTION 240.060: PARK PERMIT—APPLICATION—CONTENTS**

Every application for a park permit under this Chapter shall contain the following:

1. Name of the applicant, the sponsoring organization and the name of the person in charge of the proposed activity.
2. The addresses and telephone numbers of those named in Subsection (A) of this Section.
3. The park being applied for.
4. The starting time of the proposed activity.
5. The finishing time of the proposed activity.
6. The number of persons expected.
7. Additional City facilities requested, such as personnel, tables, chairs, etc.
8. The nature of the proposed activity, including equipment and vehicles to be brought into the park, nature and duration of the use of such equipment and nature and duration of the use of any amplified sound, whether speech or music.
9. Estimated number of parking spaces required. (CC 1975 §21-6; Ord. No. 420 §6)

**SECTION 240.070: PARK PERMIT—APPLICATION—GRANTING OR DENIAL**

- A. The Director shall grant or deny each application for a park permit within four (4) days after the filing of the application, unless the time for such granting or denial of the permit has been waived by the applicant in writing. The decision granting or denying such application shall be mailed to the applicant.
- B. The Director shall grant the application when it complies with the standards and guidelines established by this Chapter, and upon granting any permit, may impose reasonable requirements and conditions concerning the use of the park by the applicant.
- C. In the event that more than one (1) application is received for one (1) park for use on the same day, the Director shall act first upon the application first received.
- D. The Director shall deny the application if he/she finds that any of the following conditions exist:
  - 1. The application reveals that the City has no park which will accommodate the activity of the applicant pursuant to the standards and guidelines published by the Director.
  - 2. The proposed activity is of a size or nature that requires the diversion of so great a number of law officers to properly police the areas as to hinder protection to other areas.
  - 3. The applicant refuses to agree, in writing, to comply with all conditions in the permit.
  - 4. The applicant fails to file a timely application, unless waived by the Director when the applicant waives all right of appeal.

Such denial shall specify the grounds therefor. (CC 1975 §21-7; Ord. No. 420 §7)

**SECTION 240.080: EXCLUSIVE USE PERMITS FOR BUILDINGS—REQUIRED**

The City's recreational buildings shall be made available for the exclusive use of individuals or groups, subject to the issuance of a permit by the Director and subject to the payment of fees therefor as estimated by the Director. Closing times of each building shall be set by the Director. No exclusive use permit will be granted if, prior to the time the application was filed, the City has scheduled a City sponsored event at the same time and place as the activity proposed in the application. (CC 1975 §21-8; Ord. No. 420 §8)

*Cross Reference—As to prohibition of issuance of permits to delinquent taxpayers, see §100.230 of this Code.*

**SECTION 240.090: EXCLUSIVE USE PERMITS FOR BUILDINGS—APPLICATION—FILING**

Any person applying for a building permit under this Chapter shall file an application for such exclusive use permit for a building to the Director, not less than fourteen (14) nor more than sixty (60) days prior to the proposed use of such building. The Director may waive the fourteen (14) day period, if the applicant waives all rights of appeal. (CC 1975 §21-9; Ord. No. 420 §9)



**SECTION 240.100: EXCLUSIVE USE PERMITS FOR BUILDINGS—APPLICATION—  
CONTENTS**

Every application for an exclusive use permit for buildings under this Chapter shall contain the following:

1. Name of the applicant, the sponsoring organization and the name of the person in charge of the proposed activity.
2. The addresses and telephone numbers of those named in Subdivision (1) of this Section.
3. The room or building applied for.
4. The starting time of the proposed activity.
5. The finishing time of the proposed activity.
6. The number of persons expected to attend the activity.
7. Additional City facilities requested, such as personnel, tables, chairs, etc.
8. Nature of the proposed activity, including equipment to be brought into the building, and the nature and duration of the use of such equipment. (CC 1975 §21-10; Ord. No. 420 §10)

**SECTION 240.110: EXCLUSIVE USE PERMITS FOR BUILDINGS—APPLICATION—  
GRANTING OR DENIAL**

- A. The Director shall grant or deny each application for an exclusive use permit for buildings under this Chapter within four (4) days after the filing of the application, unless the time for such granting or denial of the permit has been waived by the applicant in writing. The decision granting or denying such application shall be mailed to the applicant.
- B. The Director shall grant the application when the application contains information showing that the number of persons expected at the activity complies with the occupancy load of the building as defined in Chapter 405 of this Code, and upon granting such permit, may impose reasonable requirements and conditions concerning the use of such building with respect to time and duration of use and number of persons allowed in the building.
- C. The Director may grant the application for a building other than that applied for with the consent of the applicant, in the event that a permit has already been issued for such building or that the building does not meet the occupancy load requirements. In the event that more than one (1) application is received for one (1) building for use at the same time, the Director shall act first on the application first received.
- D. The Director shall deny the application if he/she finds that any of the following conditions exist:
  1. No building with the required occupancy load capacity is available.
  2. The applicant refuses to agree in writing to comply with the conditions in the permit.

3. The applicant fails to file a timely application, unless waived by the Director when the applicant waives all rights of appeal.

Such denial shall specify the grounds therefor. (CC 1975 §21-11; Ord. No. 420 §11)

#### **SECTION 240.120: APPEALS CONCERNING PERMITS**

With respect to park and building permits required by this Chapter, an applicant may appeal the decision of the Director to the City Council. The applicant must file such appeal with the City Council within five (5) days of the Director's mailing of such decision.

(CC 1975 §21-12; Ord. No. 420 §12)

#### **SECTION 240.130: PERMIT FEES AND DEPOSITS**

Upon the granting of a permit under this Chapter, any fees or deposits required for the use of City personnel, buildings, equipment and facilities shall be contained in such permit, and such fees or deposit shall be paid by the applicant within ten (10) days of the receipt of such permit. If such fees or deposits are not paid within such ten (10) days, the permit theretofore issued shall be null and void. (CC 1975 §21-13; Ord. No. 420 §13)

#### **SECTION 240.140: LIABILITY OF PERMIT APPLICANT FOR DAMAGE TO PROPERTY—PERSONAL INJURY, ETC.**

All persons to whom an exclusive use permit has been granted must agree in writing to hold the City harmless and indemnify the City from any liability for injury to persons or property occurring as a result of the activity sponsored by the permittee, and each such person shall be liable to the City for any damage to parks, facilities and buildings owned by the City, which results from the activity of the permittee or is caused by any participant in such activity. (CC 1975 §21-14; Ord. No. 420 §14)

#### **SECTION 240.150: VIOLATIONS OF PERMIT**

Violation of any of the terms and conditions of the permit by the permittee, or any agent, servant or employee of the permittee, is a misdemeanor. (CC 1975 §21-15; Ord. No. 420 §17)

*Cross Reference—As to general penalty for violations of code, see §100.220 of this Code.*

#### **SECTION 240.160: TRAFFIC REGULATIONS**

A. *Vehicles Generally.* No person in a park shall:

1. Fail to comply with all applicable provisions of the State motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this Code and other ordinances of the City.

2. Fail to obey all Traffic Officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways,

streets or roads immediately adjacent thereto in accordance with the provisions of this Chapter and such supplementary regulations as may be issued subsequently by the Park Director.

3. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.
4. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour.
5. Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.
6. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.
7. Ride or drive a motorcycle, motorbike or similar vehicle, except where used to transport invalid persons.

B. *Bicycles.* No person in a park shall:

1. Ride a bicycle on other than a paved vehicular road or path designated for that purpose; except, that a bicyclist may wheel or push a bicycle by hand over any grassy area or wooden trail or on any paved area reserved for pedestrian use.
2. When riding a bicycle, fail to comply with all traffic rules and regulations as are applicable to the operation of bicycles on the City streets.
3. Ride any other person on a bicycle in addition to the rider.
4. Leave a bicycle in a place other than a bicycle rack, when such is provided and there is a space available.
5. Leave a bicycle lying on the pavement, or in any place or position where other persons may trip over or be injured by it.
6. Ride a bicycle on any road between sunset or before sunrise, without an attached headlight plainly visible and without a red taillight or red reflector plainly visible.

C. *Director To Set And Post Rules.* The Director shall set and post rules and regulations for use of the parks. (CC 1975 §21-16; Ord. No. 420 §15)

**SECTION 240.170: ADVERTISING OR SALES FOR PRIVATE PROFIT**

No permit shall be issued authorizing the use of any park or building thereof, where the activity proposed is to be held for the sole purpose of advertising or sale of any product, goods, wares, merchandise, services or event and is designed to be held purely for private profit.

(CC 1975 §21-17; Ord. No. 420 §16)

**SECTION 240.180:    AMPLIFIED SOUND**

The use of any system for amplifying sounds, as defined in this Chapter, whether for speech or music or otherwise, is prohibited in any park, unless an exclusive use permit is first secured. (CC 1975 §21-18; Ord. No. 420 §18)

**SECTION 240.190:    GOLF**

No person shall play or practice golf or use golf clubs in any area of a park not designated for such use. (CC 1975 §21-19; Ord. No. 420 §19)

**SECTION 240.200:    MODEL AIRPLANES**

No person shall operate any motor-driven model airplane in a park. (CC 1975 §21-20; Ord. No. 420 §20)

**SECTION 240.210:    LITTER**

No person within any park shall leave any garbage, trash, cans, bottles, papers or other refuse, elsewhere than in the receptacles provided therefor. (CC 1975 §21-21; Ord. No. 420 §22)

**SECTION 240.220:    INTERFERENCE WITH USE OF TABLES, SPACES, ETC., RESERVED FOR OTHER PERSONS**

No person within any park or building shall use or attempt to use or interfere with the use of any table, space or facility within such park or building which, at the time, is reserved for any other person or group which has received a permit from the Director therefor, unless the actual use of such table, space, area, building or facility referred to in any such permit is commenced within an hour after the period covered by such permit begins. Such permit shall thereupon be void, and all rights under such permit may be canceled by the Director. (CC 1975 §21-22; Ord. No. 420 §23)

**SECTION 240.230:    COMPLIANCE WITH STANDARDS AND GUIDELINES OF DIRECTOR**

No person shall engage in any activity in a park contrary to the standards and guidelines set forth by the Director. (CC 1975 §21-23; Ord. No. 420 §24)

**SECTION 240.240:    WEAPONS**

No person shall discharge or shoot any firearm, air gun, slingshot or bow and arrow in any park, except at places designated and posted specifically for such purpose. (CC 1975 §21-24; Ord. No. 420 §25)

*Cross References—As to weapons generally, see §215.660 et seq. of this Code.*

**SECTION 240.250: INJURIES TO TREES, PLANTS, ETC.**

No person, other than a duly authorized City employee in the performance of his/her duty or persons participating in City sponsored activities, shall dig, remove, destroy, disfigure, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any park. (CC 1975 §21-25; Ord. No. 420 §26)

**SECTION 240.260: INJURIES TO ANIMALS, BIRDS, ETC.**

No person in a park shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird, nor shall he/she remove or have in his/her possession the young of any wild animal, or the eggs or nest or young of any reptile or bird; provided, that snakes known to be deadly poisonous, such as rattlesnakes, or other deadly reptiles may be killed on sight. No person in a park shall give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances. (CC 1975 §21-26; Ord. No. 420 §27)

**SECTION 240.270: REMOVAL OF TURF, SOIL, ETC.**

No person, other than a duly authorized City employee in the performance of his/her duty, shall remove any wood, turf, grass, soil, rock, sand or gravel from any park or make any excavation by tool, equipment, blasting or other means or agency. (CC 1975 §21-27; Ord. No. 420 §28)

**SECTION 240.280: INJURIES TO BUILDINGS OR STRUCTURES—OVERHEAD WIRES—  
CONSTRUCTION OF BUILDINGS OR STRUCTURES**

No person, other than a duly authorized City employee in the performance of his/her duty, shall:

1. Cut, break, injure, deface, disfigure or disturb any rock, building, bridge, cage, pen, monument, fireplace, sign, fence, bench, railing, structure, apparatus, equipment or property in a park.
2. Mark or place thereon any mark, writing or printing.
3. Attach thereto any sign, card, display or other similar device, except as authorized by permit.
4. Erect or maintain any overhead wires through any park, without prior written permission.
5. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued. (CC 1975 §21-28; Ord. No. 420 §29)

**SECTION 240.290: FIRES**

No person shall light or maintain any fire in any park, unless such fire is maintained only in a stove or fire circle or place provided for such purpose. (CC 1975 §21-29; Ord. No. 420 §30)

*Cross Reference—As to fire prevention generally, see ch. 210 of this Code.*

**SECTION 240.300: SOLICITATION**

No person shall solicit in any manner or for any purpose, or sell or offer for sale any goods, wares or merchandise, in any park, except as authorized by permit. (CC 1975 §21-30; Ord. No. 420 §31)

*Cross Reference—As to canvassers and solicitors generally, see ch. 615 of this Code.*

**SECTION 240.310: SANITATION**

No person in a park shall:

1. Throw, discharge or otherwise place, or cause to be placed, in the waters of any fountain, pond, lake, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
2. Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, refuse or trash, or place such substances in any waters in or contiguous to any park, or leave such substance anywhere on the grounds thereof. Such substances shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
3. *Litter, soil or defile rest rooms.* No person over the age of eight (8) years shall use restrooms and washrooms designated for the opposite sex. (CC 1975 §21-31; Ord. No. 420 §32)

**SECTION 240.320: PERSONAL CONDUCT IN PARKS**

No person in a park shall:

1. Have in his/her possession any alcoholic beverages in excess of five percent (5%) by weight or volume. Picnickers may use beer or wine with their picnic lunches, as long as they conduct themselves in an orderly manner.
2. Enter such park under or be under the influence of intoxicating liquor.
3. Have in his/her possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other explosives or inflammable materials, or discharge them or throw them into any such area from any land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints.
4. Suffer or permit any dog under his/her control or care to enter or remain in a park, unless it is led by a leash of suitable strength not more than six (6) feet in length; and the owner and the attendant shall be responsible for any damage caused, in any event, by such dog, even if on a leash.
5. Play or bet at or against any game which is played, conducted, dealt or carried on for money, chips, shell, credit or any other representative of value, or maintain or exhibit any gambling

table or other instrument of gambling or gaming, or play any game prohibited by this Code or any other ordinance of the City.

6. Sleep or protractedly lounge on the seats, benches or other areas, or engage in a loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.
7. Remain, stay or loiter in any public park, between dusk to dawn of the following day, without approval from the Director. (CC 1975 §21-32; Ord. No. 420 §33)

#### **SECTION 240.330: PARK OPERATING POLICY**

- A. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year, during hours designated by resolution of the City Council. The opening and closing hours for each park shall be posted therein for public information.
- B. Any section or part of the park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director shall find reasonably necessary.
- C. No person shall be in any park or section or part of any park:
  1. Except during the hours designated for its use.
  2. Declared closed to the public, unless he/she shall have a written permit authorizing his/her presence.
- D. The Director and all recreation and park employees shall, if empowered to do so, enforce the provisions of this Chapter. (CC 1975 §21-33; Ord. No. 420 §34)

#### **SECTION 240.340: ENFORCEMENT OF CHAPTER**

The Director and any park attendant or Police Officer shall have the authority to eject from the park any person acting in violation of this Chapter. The Director and any park attendant or Police Officer shall have the authority to seize and confiscate any property, thing or device, in the park or used in violation of this Chapter. In the event of resistance to action intended to correct a violation of this Chapter, either physical or otherwise, the Director or Park Attendants shall refer the violation to the Police Department. (CC 1975 §21-34; Ord. No. 420 §35)

#### **SECTION 240.350: HOELZEL PARK—USER FEES FOR FACILITIES**

The following user fees are hereby established for the reservation and use of facilities in Hoelzel Park of the City of Normandy; the sum of fifteen dollars (\$15.00) shall be paid by any resident of the City of Normandy who wishes to reserve the use of park facilities, and the sum of twenty-five dollars (\$25.00) shall be paid by any person who is not a resident of the City of Normandy who wishes to reserve such facilities. The applicable fee shall be determined on the basis of the residency of the person applying to reserve such facilities as of the date an application is made. Application for Hoelzel Park facilities reservations shall be filed at City Hall on forms designated for such purpose. The required fee must be paid at the time an application is filed.

(Ord. No. 383 §1, 12-13-94)